

2001 Staff Correspondence Vol. 1 : Chandler

51832-147-1

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 2, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0438-V, Earnie Gardner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Due to the extensive area of steep slopes and Buffer on this property, it appears that it can not be developed without a variance. However, impacts should be minimized as much as possible. The proposed house is significant in size and it has been sited nearly perpendicular to the slopes on site. We recommend that impacts be further minimized if possible. If the variance is approved, we recommend mitigation at a 3:1 ratio for all disturbance within the Buffer and expanded Buffer. The Buffer should be a priority location for the plantings.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA645-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



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January 2, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0440-V, Edwin Lee

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling and driveway.

This office reviewed a variance request on this property in 1999 which added a second story to an existing structure. The currently proposed garage addition adds an additional 720 square feet of impervious surface, entirely within the Buffer. While an attached garage is a reasonable use, this office is concerned about the large amount of impervious surface within the Buffer. If the variance is approved, we recommend mitigation in the form of woody forest vegetation at a 3:1 ratio for all disturbance within the Buffer. The Buffer, between the house and the water, should be a priority for the mitigation. The landscape plan, with the majority of plantings consisting of screening landscape vegetation (Leyland Cypress and Junipers), is not sufficient. A forested Buffer should be established.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA329-99

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January 2, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0427-V, William and Gladys Schmale

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. The site is severely constrained by steep slopes. While the proposed house is not extravagant in size, over 80% of the woodlands on site will be cleared. This includes numerous large (> 20 in. diameter) trees. It appears that the limits of disturbance could be further reduced. Also, the proposed stockpile should be located landward of the proposed dwelling, adjacent to the proposed driveway. We recommend mitigation in the form of native woody vegetation at a 2:1 ratio for new impervious surfaces within the Buffer and at a 1:1 ratio for new impervious outside of the Buffer. The Buffer, between the proposed dwelling and the water should be a priority location for the plantings.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA640-00

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January 2, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0442-V, William and Margaret Miller

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required. The property is designated RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. While the site is severely constrained by non-tidal wetlands, there is ample upland area such that development of the lot can occur without any variances. We recommend that the development of the property be redesigned to avoid disturbance to the non-tidal wetlands (a designated Habitat Protection Area). Excessive clearing, grading and fill is proposed within the non-tidal wetlands due to the desired location of the house. Any hardship is clearly self-created.

Notwithstanding the above, the requested variance is far from the minimum to provide relief. A large area of clearing, grading and fill is proposed (nearly an acre in size) for no obvious reason. A large extraneous circular driveway is proposed. There has been no attempt to minimize disturbance to wetlands or to minimize clearing and grading. Development of the lot should be redesigned to minimize disturbance to the non-tidal wetlands and forest on this site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Judy Cole, MDE  
AA646-00

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January 2, 2001

Ms. Cathy Maxwell  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Conditional Use Case No. CU-120010 (Kent Island Yacht Club)**

Dear Ms. Maxwell:

Thank you for providing information on the above referenced conditional use application. The applicant is requesting a conditional use approval to expand a marina with construction of three piers. The property is 10.3 acres in size and is currently developed with a number of buildings and existing marina facilities.

This office defers to the Maryland Department of the Environment on pier issues. Any local approval should be conditioned on final approval of an amended or new permit from MDE.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC660-00

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January 2, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0418-V, Edward McKenna

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Due to the extensive area of wetlands on this property, it appears that it could not be developed without a variance. However, impacts should be minimized as much as possible. For example, there appears to be a cleared area that could be used for a driveway coming from the southern corner of the lot. Would it be possible to access the property from this location? If the variance is approved, mitigation should be provided for all clearing in accordance with the County Zoning Ordinance. Also, we recommend that the remainder of the lot be placed under a conservation easement to ensure that no further disturbance occurs in the non-tidal wetlands.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA623-00

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January 2, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0414-V, Hubert & Rebecca Lowe

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a large house, detached garage, and driveway.

This office can not support the variance requested. A 20 foot by 20 foot storage shed is excessive in size, especially on a lot that already has nearly 50% impervious coverage. There is an existing detached garage and there is ample room on the lot to comply with the applicable regulations. We recommend that the applicants find another location for their desired shed and remove an equal amount of impervious surface to ensure that the already excessive amount does not increase.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA622-00

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Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variances 2000-0444-V and 0445-V, Alan and Day Weitzman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting a variance to permit a driveway with disturbance to steep slopes and with less Buffer and setbacks than required. The property is designated RCA and is currently developed with a house. The applicants appear to be contract purchasers of the property.

Provided that Parcel 408 is properly grandfathered, this office does not oppose a variance that will provide reasonable access to the property. The information as to the amount of impervious and clearing on each separate parcel is not clear. This information should be calculated separately such that mitigation can be calculated at the appropriate ratio. Given the information provided, mitigation for clearing on Parcel 406 should be provided at a 1:1 ratio. An effort should be made to further reduce the limits of disturbance. For example, why is sod proposed along the driveway? Given the existing mature forest (and the fact that such a riparian forest is a Habitat Protection Area) only minimal clearing should be permitted. Once the driveway is constructed, natural regeneration should be permitted to fill in the gap in the forest.

Based on rough measurements on the site plan, it appears that 1800 square feet of clearing will occur on Parcel 408, with 750 square feet within the Buffer. We recommend mitigation at a 3:1 ratio for all disturbance within the Buffer and expanded Buffer and a 1.5 to 1 ratio for clearing outside of the Buffer. Also, please note, if re-development or major renovation of the existing dwelling on Parcel 408 is planned, any expansion should occur away from the water, perhaps where the proposed driveway ends.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA647-00

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January 2, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0424-V, Ronald Colison

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with disturbance to steep slopes and less Buffer than required. The property is designated LDA and is currently developed with a house and driveway.

From the information provided, it appears that the proposed addition will be placed over an existing wood deck. Because the addition appears to be a reasonable expansion of living space, this office does not oppose the variance requested. However, the site plan was not clear with regard to the current extent of the deck. Does it currently exist up to the edge of the steep slope or is a new deck proposed off of the addition? If a new deck is proposed, we recommend that it extend no closer to the slope than the addition (i.e., add the deck to the side of the addition rather than out towards the steep slope). This should be clarified. Also, the site plan shows a replacement septic tank close to the top of steep slopes. Would it be possible to further maximize the distance from the steep slopes?

The Critical Area Report states that only 5% of the site is covered with trees and shrubs. As required by the County Zoning Ordinance, the site must be planted to provide a forest cover of at least 15%.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA625-00

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**MEMORANDUM**

**TO:** Dave Bourdon, David Cooksey, Bob Goodman, Jim McLean, Jack Witten  
**FROM:** LeeAnne Chandler *LAC*  
**DATE:** January 2, 2001  
**RE:** Panel Hearing for the Charles County Comprehensive Review  
7:00 p.m., Tuesday, January 9, 2001  
Village Green Pavilion, 100 Walter Thomas Road, Indian Head

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Thank you again for being on the Critical Area Commission Panel appointed to review the changes to the Charles County Critical Area Program and implementing ordinance. The panel hearing will be held at the Village Green Pavilion, 100 Walter Thomas Road in Indian Head at 7:00 p.m. on Tuesday, January 9, 2001. (Map enclosed.)

The purpose of this hearing is to hear public comment on the proposed changes to the County's Critical Area Program and Critical Area Overlay Zoning Ordinance resulting from the four-year comprehensive review. Commission staff worked closely with County staff to correct and revise those portions of the County's Program and Ordinance that were not consistent with the State Law and Criteria.

The most significant changes to the County's Program, ordinance and maps are as follows:

**PROGRAM:**

Updated information is provided with regard to the County's environmental programs such as their participation in the Rural Legacy Program, the revision to the County's Land Preservation and Recreation Plan, and the development of the Mattawoman Creek Watershed Protection Strategy. They report that only 9 acres of growth allocation have been awarded out of the County's total reserve of 1,130.1 acres. They clarify the type of information that must be submitted for development activities within the Critical Area.

The Chapter on Shore Erosion Protection contains many of the proposed changes to the Program.

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Particularly, further detail is provided on the recommended methods of shore erosion control. Structural shore erosion control measures are discouraged except where non-structural control measures would be ineffective. A Buffer management plan is also required to ensure the replacement of cleared vegetation.

The Habitat Protection Program Chapter has been expanded to include a section on protection of cliffs within the County. In order to preserve the ecological and historical value of cliffs, the County is encouraging the use of cliff setbacks to protect cliffs rather than conventional erosion control measures. Setbacks that are of a distance such that structures are protected for fifty (50) years are referred to as ER50 (i.e., annual erosion rate times 50 years). Where structures are proposed within the ER50 setback, they are encouraged to be constructed to be movable if cliff erosion occurs.

The Program document also includes (as Appendix B) a unique alternative for the Buffer Exemption Area in Swan Point. (Swan Point is a large golf-course development in southern Charles County that was partially platted prior to 1985.) This alternative is applicable only in the grandfathered sections of Swan Point and was developed as a result of citizen complaints of the inconsistent application of Buffer Exemption regulations within Swan Point. It was developed on a cooperative basis between County and Commission staff to accommodate the unique situation in Swan Point. Basically, the Buffer is of variable width depending on the depth of each particular lot. Required mitigation includes establishing a vegetated Buffer and planting an area of twice the impervious surface created in the 100-foot Buffer. Sample calculations and planting plans are provided.

#### ZONING ORDINANCE:

The County's Critical Area Overlay Zoning Ordinance was revised to add several significant definitions from the Critical Area Criteria and to modify others for clarity and consistency. Some re-organization of the ordinance is proposed, particularly the section on the Critical Area Buffer.

In the past, the County incorporated the Commission's previous policy for Buffer Exemption Areas into their Zoning Ordinance. With this update, they are maintaining their previous rules and providing some clarification on determining the appropriate setback for new development or redevelopment in BEAs. They are using the location of principal structures on adjacent lots as the determining factor for the setback line. While this may be permissible, some additional clarification may be warranted, especially in cases of irregular shorelines. In accordance with the Commission's new policy for residential BEAs, an absolute minimum setback of 25 feet should be established. In addition, the County does not include any special rules for commercial or industrial development in non-residential BEAs. Additional language or at least a reference to the Commission's policy on commercial, multi-family, institutional or industrial development in BEAs may be warranted. (The County has a few BEAs containing commercial or industrial development.)



The County is proposing a list of uses permissible in the Resource Conservation Zone (i.e., RCA). Some of these uses are commercial in nature and thus, this change is not consistent with the Criteria or the Commission's previous position on uses in the RCA. This issue will be discussed at the January 3, 2001 Program Subcommittee meeting. Further discussion may be warranted during the Public Hearing.

Lastly, please note: We received a letter from the County Commissioners on December 27, 2000 informing us of a change to the proposed amendments, specifically Section 136, subsection (c) *Structures and Cliff Protection in Areas of Cliff Erosion* has been deleted. At this time, Commission staff is unsure of how this will affect other parts of the ordinance. It would seem that references to ER50, including expansion of the Buffer in areas of cliffs to ER50, would require appropriate modification.

MAP CHANGES:

The County has provided an updated resource inventory via an updated Habitat Protection Area map located in Chapter 8 of the Program. No other map changes are proposed.

Enclosed, please find both the Program and Ordinance documents with additions and deletions as noted. Staff from Charles County Planning will be at the public hearing to present the changes and answer any questions which may arise. Please contact me if you have any questions or would like additional information prior to the hearing. I can be reached at (410) 260-3477.



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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January 4, 2001

Ms. Vivian Swinson  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Administrative Variance Case #04-00-06  
Tower Gardens, Lot 4**

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the Critical Area Buffer requirements in order to accommodate a septic system for a new single family dwelling. The property is 0.356 acres in size and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. It appears that there are no viable alternative locations for the septic system outside of the Buffer. We do not oppose the variance requested, provided that the 22 trees (as required on page 8 of the application) are planted on site, within the Buffer. Ideally, these trees should be planted between the proposed septic area and the water, to maximize their nutrient-uptake benefits.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC658-00

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Executive Director

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January 9, 2001

Mr. Steve Cohoon  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Cerutti Building - Concept Plan  
CP 04-0012-0018(c)**

Dear Mr. Cohoon:

Thank you for providing information on the above referenced project. The applicant is proposing to construct a building with associated parking to be used for a marina distribution business. The site is designated LDA and is currently vacant. The applicants are also requesting growth allocation to change the designation to IDA.

As you are aware, the current LDA designation limits impervious surfaces to 15%. Approval of the project is wholly dependent upon the award of growth allocation as the project is not consistent with the LDA regulations. That being said, if the growth allocation is approved by the County, information on compliance with the 10% pollutant reduction requirement is necessary for us to complete our review. Note #9 states that stormwater management is to be provided off-site via a regional stormwater management facility created for the Maryland General Land Co. subdivision. In reviewing our file on this subdivision, I found that the 10% calculations have been completed for the entire subdivision. They state that stormwater quality will be addressed via a wet pond and grassed swale. Please provide further information on these facilities including plans and drainage area maps. (Previous correspondence has indicated that the landowners were investigating building a regional stormwater facility using some Critical Area fees-in-lieu but no further information has been provided.)

Thank you for the opportunity to comment. Please provide the information requested when it is available. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC655-00

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January 9, 2001

Mr. Steve Cohoon  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Safeway Food Store - Concept Plan  
CP 04-0012-0016(c)**

Dear Mr. Cohoon:

Thank you for providing information on the above referenced project. The applicant is proposing to construct a food store, retail space, a gas station and a connection to an adjacent shopping center. The site is designated IDA and is currently an agricultural field with a small residential structure.

I have reviewed the information provided and because the site is designated IDA, the Critical Area issue of concern is the 10% pollutant reduction requirement. Understanding that this project is in its concept phase (and because it needs several approvals such as a reduction in parking and an amendment to the County's Sewer and Water Plan), it is likely that the 10% calculations have not yet been provided. If and when the project reaches the final site plan stage, please provide the 10% calculations and any updated plans to this office for further review. If the 10% rule is addressed, it appears that the proposal would be consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. Please provide the information requested when it is available. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC662-00

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January 10, 2001

Ms. Tracey L. Greene  
Maryland Department of Planning  
201 Baptist St., Box 24  
Salisbury, Maryland 21801

**VIA FACSIMILE**

RE: Town of Snow Hill - Chesapeake Bay Gateways Project

Dear Ms. Greene:

I have received your correspondence of January 9, 2001 regarding the Gateways Project in the Town of Snow Hill. It is apparent that the 10% Rule calculations and more detailed drawings have not been completed nor provided. Again, in reviewing the consistency report, there is a serious concern about the management of stormwater on this site. The Town, in the grant proposal narrative, stated that the correction of the existing stormwater problem would be a key benefit of the project. With the information available, it appears that the project would actually exacerbate the problem rather than fix it.

As indicated in our letter of September 13, 2000, consistency with the Town's Critical Area Program was wholly dependent upon meeting the 10% pollutant reduction rule. Without any further documentation to address this requirement, the conclusion must be that the project would be inconsistent with the Town's Critical Area Program. Obviously, as a Town project, this sets a disparaging example to others who wish to develop or redevelop properties within the Town's Critical Area. This office strongly recommends that no funds be spent nor permits issued for work on this project until the 10% requirement is addressed.

Commission staff is available to assist in any way possible. Please contact me if you would like to discuss the project in further detail or if you would like to schedule a meeting.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: SN428-00

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January 11, 2001

Ms. Sharon Alderton  
State Highway Administration  
Environmental Planning - C301  
707 N. Calvert St.  
Baltimore, Maryland 21203

**RE: MD 347 Streetscape and Drainage Improvements  
(SHA Project No. WI6885183)**

Dear Ms. Alderton:

At its January 3, 2001 meeting, the Chesapeake Bay Critical Area Commission approved with conditions the proposed streetscape and drainage improvement project on MD 347 in Wicomico County. The conditions are as follows:

1. All necessary permits and approvals will be acquired from MDE prior to any construction.
2. Mitigation in the form of native plantings will be provided at a 3:1 ratio for all disturbance within the Critical Area 100-foot Buffer and will be provided at a 1:1 ratio for all clearing outside of the Buffer.
3. A planting plan will be provided to Commission staff for review.
4. Stormwater quality design will be reviewed and approved by Commission staff.

Via a number of discussions with Glenn Marschke of Wallace, Montgomery & Associates, the stormwater quality issue (condition 4), i.e., meeting the 10% pollutant reduction rule requirement, has been addressed. Attached is a memo describing the 10% issue and the ultimate solution. As stated in the memo, once the design of the stormwater facility is available, sketches are to be provided to our office for a final review. Once the design is finalized, impacts to the Buffer and clearing outside of the Buffer can be quantified. From that point, conditions 2 and 3 above can be addressed by SHA. The enclosed planting agreement should be filled out by the appropriate person and sent back to me once the required plantings are quantified. Also, with

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Ms. Sharon Alderton

January 11, 2001

Page 2

regard to condition 1, amended permits (if necessary) should be obtained from MDE once impacts to the wetlands and wetland buffer are finalized.

Please ensure that the information described above is provided to this office when it is available. If you have any questions or concerns regarding the Commission approval and the conditions listed above, please contact me at (410) 260-3477.

Lastly, Commission staff would like to express our sincere appreciation to Glenn Marschke and Holly Ellis of Wallace, Montgomery & Associates for their timely responsiveness to the suggestions and concerns of the Critical Area Commission and staff.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

Attachments

cc: Meg Andrews, MDOT Commission representative  
Glenn Marschke, Wallace, Montgomery and Associates  
Karuna Pujara, SHA Highway Hydraulics  
Ravi Ganvir, SHA District 1  
Rick Dwyer, Wicomico County Planning & Zoning

## Memo to File

From: LeeAnne Chandler

Date: January 11, 2001

Subj: Stormwater management on MD 347 project

---

Pollutant removal requirement for the MD 347 Streetscape and Drainage improvement project in Wicomico County is 2.0 lbs. of Phosphorus.

Initially, a direct outfall into Quantico Creek was proposed. Due to the existence of a Habitat Protection Area in the immediate vicinity and the need for some stormwater quality treatment, a direct outfall was not a viable alternative. After a site visit conducted on December 11, 2000, plans were changed to utilize a level spreader to create sheet flow from the stormwater outfall pipe. The level spreader was proposed on the east side of MD 347. The level spreader addressed the habitat protection area problem but did not address stormwater quality according to MDE standards.

The project was brought to the January 3, 2001 Commission meeting for review and approval. During the Subcommittee meeting, it was recommended that the level spreader device be made into a bioretention facility. Dave Bourdon was also concerned about the viability of the weir structure and whether or not it would act properly as a "level spreader." The consultants were told to redesign and look at bioretention - such that the pollutant removal requirement could be addressed on-site.

On January 4, 2001 I spoke with Glenn Marschke of Wallace, Montgomery & Assoc. regarding the sizing of a bioretention facility. If it were constructed to handle the first inch of runoff from the entire drainage area (i.e., to meet the new MDE regulations), it would be approximately 10 times greater in size. Due to the existing area of non-tidal wetlands in the immediate vicinity of the road, such a facility is not feasible and would cause greater harm than good. However, creation of a vegetated wet swale/pond that could handle the first ½ inch of runoff from the impervious cover within the Critical Area would be feasible. The proposed facility does not meet the exact specifications of any of the listed BMP options in the 10% Rule guidance documents. However, it would function as the pond in the pond/wetland (option #8) described in the 10% guidance documents. The pond would serve to trap sediments, reduce incoming runoff velocity, control discharge rates and remove pollutants. Vegetation in the wet pond/swale will also help absorb pollutants. The existing non-tidal wetland would provide additional treatment, prior to outfalling in sheet flow to Quantico Creek. The listed removal efficiency for a pond/wetland for ½ inch is 40%. Because it does not have all of the features of a completely created pond/wetland, a 30% efficiency rating seems appropriate. With a 30% efficiency rating, the 10% pollutant reduction requirement is met by the proposed facility. It is my understanding that MDE will still require a debit to their mitigation bank for this project, because the proposed stormwater facility does not meet MDE's new stormwater regulations.



Memo to File - MD 347

January 11, 2001

Page 2

In further discussions with Glenn Marschke, the issue regarding the viability of the weir structure was raised. They are working on design of a timber weir structure where timber piles would be driven into the ground and then connected through timber boards. The soils in the area are classified as Muck and it is believed that the timber structure, with the anchoring in the ground via the piles, would be stable in the Muck environment. SHA is using a similar structure design on a project in Worcester County. The wetland side of the weir will be shored up with rip rap and given a small apron such that the water coming over the weir will not erode the soils in this area. The road side of the structure will be vegetated with water-tolerant vegetation.

After discussing the project with the Project Subcommittee chairman (Mr. David Bourdon), I called Holly Ellis of Wallace, Montgomery & Associates and informed her that the proposed wet pond will be acceptable as a means to meet the 10% Rule. I did request however, that the draft design sketches be faxed to me when they are available as Mr. Bourdon continued to express concern about the viability of the weir structure as a level-spreader device. Once the designs are finalized, the amount of Buffer disturbance and other clearing can be quantified and SHA can move forward with meeting the other conditions of approval. (Other conditions of approval included submittal of a planting plan to provide mitigation at a 3:1 ratio for disturbance within the Buffer and at a 1:1 ratio for clearing of woody vegetation outside of the Buffer. Final MDE permit approval is also required.)

# Planting Agreement for State Projects

State Agency

MDOT - State Highway Administration

Project Number

33-00 SHA

Agency Contact

Sharon Alderton

Phone Number

(410) 545-8565

Commission Approval Date

January 3, 2001

CAC Planner

LeeAnne Chandler

Project Name

MD 347 - Streetscape and Drainage Improvements

Project Location

Quantico, WICOMICO COUNTY

Square Feet Cleared Outside 100ft Buffer

Mitigation Ratio for Clearing Outside Buffer\*

Mitigation Calculation Outside Buffer

Square Feet Disturbed/Cleared Within 100ft Buffer

Mitigation Ratio for Disturbance/Clearing Within Buffer\*

Mitigation Calculation Within Buffer

5% Afforestation Requirement Met?

Total Mitigation Required

Planting and Natural Regeneration Plan (attach additional sheets if necessary)

Planting Date

Year

First Site Visit Date

First Site Visit By

Second Site Visit Date

Second Site Visit By

Mitigation Completed?

\* see back for explanations

Revised 4/28/99

## 1. Amount of Disturbance and Clearing

There are two ways to calculate the amount of disturbance in the Critical Area. Disturbance is based on either the area disturbed or the number of individual trees that will be cut. It is recommended that when an area to be disturbed more closely resembles a natural forest (i.e. canopy cover with a multi-layer understory) or when structures or other impervious surfaces are placed within the Buffer or a BEA, even if no trees are cleared, you should quantify the disturbance amount in the *area cleared*. On the other hand, if your site more closely resembles a park setting (i.e. scattered trees with little or no understory), it is recommended that you count the *number of trees removed*.

## 2. Plant Spacings and Mitigation Credits for Various Size Trees and Shrubs\*

Credit Square Feet	Plant Size	Plant Spacing
100 sq. ft.	1 tree (2-inch caliper)	10-foot center
400 sq. ft.	1 tree (minimum: 2-inch caliper and either balled and burlapped or container grown) <u>and</u> understory vegetation (minimum: 2 small trees or 3 shrubs)	tree: 20-foot center understory: 10-foot center
50 sq. ft.	1 tree (seedlings)	7-foot center
50 sq. ft.	1 shrub	3 to 7-foot center

\* The Critical Area Commission recognizes natural regeneration as a method for mitigation on appropriate sites. This will be determined on a case by case basis. All plantings will require protective measures to ensure that these areas remain planted in perpetuity.

## 3. Mitigation Ratios

Choose from the following for the mitigation ratios:

### Mitigation Ratio for Clearing Outside Buffer

Clearing of Forest/Woodlands up to 20% in Critical Area 1:1  
Clearing of Forest/Woodlands up to 30% in Critical Area 1.5:1  
Clearing of Forest/Woodlands over 30% in Critical Area 3:1  
Clearing Violation 3:1  
Other  
N/A

### Mitigation Ratio for Disturbance/Clearing Within Buffer

New Development / Redevelopment (non-BEA) 3:1  
New Development / Redevelopment (BEA) 2:1  
Shore Erosion Control 1:1  
Public Shoreline Access 2:1  
Clearing Violation 3:1  
Other  
N/A

## 4. Planting Date

The Planting Date should be either the spring or fall season following the approval of the project by the Critical Area Commission.

## 5. Site Visits

Two site visits will be conducted over a period of two years by Critical Area Commission staff. The objective of the site visits is to verify that the mitigation has been carried out as approved (i.e. species, number of trees/shrubs, location).



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 12, 2001

Mr. Steve Cohoon  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Grasonville Station, LLC - Administrative Subdivision  
05-01-01-0003-C**

Dear Mr. Cohoon:

Thank you for providing the information on the administrative subdivision referenced above. The applicant is proposing to re-combine four (4) lots of a recently approved commercial subdivision in order to construct two commercial buildings and associated improvements. The site is designated LDA and is currently undeveloped.

The proposed subdivision appears to be consistent with the County's Critical Area program. Eventual development of the new Lot 6 must comply with all LDA requirements until such time that growth allocation is awarded.

Thank you for the opportunity to comment. If changes are made to the subdivision as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC559-00

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January 12, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0459-V, Charles Petrone

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently developed with a dilapidated house.

This office does not oppose redevelopment of this lot. However, impacts such as clearing and grading should be minimized and the variance requested the minimum to provide relief. The lot obviously has multiple constraints. It appears that the house could be sited slightly further from the water. We do recognize however, that the existing house is quite close to the water. Our concerns are the extent of grading, the inaccuracy of the impact quantities listed on the site plan, and the fact that the Buffer Management Plan application does not correspond with the extent of impacts proposed. Based on rough calculations using measurements of the site plan, it appears that nearly 7000 square feet of grading is proposed. With 7000 square feet of grading on a 10,892 square foot lot, how can 5,420 square feet of woodland remain? Much of the grading appears to be extraneous, e.g., on the western side of the house and for the 12-foot wide waterway access. The County permits only a six-foot wide cleared path to the water and it is usually from the dwelling to the water, not from the road to the water. (It appears that vehicular access is being proposed in this case. Any type of boat ramp facility must be approved through the MDE permitting process.)

The Buffer Management Plan application signed by the variance applicant states that "This plan is to provide a six-foot access path to the water and removal of noxious weeds." The amount of reforestation required was only 1,955 square feet. This does not correspond with the extensive amount of impacts now proposed. We recommend that the extent of grading be reduced and the 12-foot wide waterway access be reduced to the permitted width. Also, because greater than 30% of the woodlands on this site are being removed, mitigation should be provided at a 3:1 ratio in accordance with the County Zoning Ordinance. The Buffer should be a priority location for the plantings.

Lastly, it appears from the pictures provided that there is a new bulkhead and pier on the property. Did these structures have all necessary permits from MDE?

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA11-01

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January 12, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0453-V, Sidney and Janet Leech

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a dwelling and accessory structure with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house and detached garage.

This office does not oppose redevelopment of this lot. Optimally, the new house would be sited completely outside of the 100-foot Buffer. However, the lot is Buffer-Exempt and it appears that the proposed new dwelling is sited no closer to the water than the existing one. If the variance is approved, mitigation should be provided for new impervious surfaces within the Buffer at a 2:1 ratio and for all new impervious surfaces outside of the Buffer at a 1:1 ratio in accordance with the County's Buffer Exemption Area rules. Priority areas for planting should be the Buffer and areas where existing impervious is removed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA09-01

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Chairman



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January 16, 2001

Ms. Linda Mott  
SHA - Environmental Design Division  
707 N. Calvert St.  
P.O. Box 717  
Baltimore, Maryland 21203-0717

**RE: MD 765 (Calvert County) - Outstanding Mitigation**

Dear Ms. Mott:

I am writing in regard to the outstanding mitigation due for the Buffer impacts created by the extension of MD 765 in Calvert County. We briefly met at the December 6, 2000 Commission meeting to discuss the issue. At that time, you indicated that you would provide information on some potential mitigation sites, as well as the site plans showing the extent of on-site mitigation provided. To date, I have not received that information.

Given that the project received Commission approval in December 1998 (approval letter is attached) and construction is now complete, Commission staff is concerned about the extensive amount of time which has passed without addressing the outstanding mitigation. Please provide the following information as soon as possible:

1. The site plan showing the relocated stream and all proposed on-site mitigation plantings.
2. An accounting of the mitigation required, on-site credit, and outstanding mitigation due.
3. Information regarding the potential mitigation sites we discussed at the December 2000 Commission meeting.

The spring planting season will begin shortly. It would be timely to receive this information in time for the trees to be planted this spring.

Thank you for your assistance with this matter. If you have any questions or would like to discuss this matter further, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Meg Andrews, MDOT Commission member  
SHA 40-98

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January 17, 2001

Mr. Kevin Dooley  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0476-V, Alan Hinman & Judith Cambell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated LDA and is currently undeveloped.

Because it appears that no habitat protection areas will be affected and because impervious surfaces are not an issue, this office has no comment on the setback variance. Replacement of trees removed in the course of construction should be required at the appropriate ratio as determined by the County Zoning Ordinance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA29-01



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 17, 2001

Mr. Kevin Dooley  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0467-V, William Falk

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because it appears that no habitat protection areas will be affected and because impervious surfaces are not an issue, this office has no comment on the setback variance. Vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA26-01

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January 17, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0466-V, Beatrice and Timothy Mowry

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a house, detached garage, concrete patio and driveway.

Very limited information was provided to this office for review. For example, how much impervious surface currently exists and how much is proposed? From the site plan, it is difficult to assess exactly what the addition is and why it needs a variance. Provided that impervious surfaces are below the limit for a lot of this size, this office has no comment on the setback variance. Vegetation that was removed in the course of construction should be replaced in kind.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA25-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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January 19, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variances 2000-0454-V, Gates & Kimberly Carson


Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house and what appears to be a detached garage.

This office does not oppose redevelopment of this lot. Optimally, the new house would be sited on the existing house footprint. However, it appears that the existing house is extremely close to the road. The new location should maximize the distance from the shoreline while addressing what may be a safety issue. No topographical information was provided so if steep slopes are an issue, avoiding the slopes should also be a priority. If the variance is approved, mitigation should be provided for new impervious surfaces within the Buffer at a 2:1 ratio and for all new impervious surfaces outside of the Buffer at a 1:1 ratio in accordance with the County's Buffer Exemption Area rules. Priority areas for planting should be the Buffer and areas where existing impervious is removed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA10-01

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Judge John C. North, II  
Chairman

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Executive Director

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January 19, 2001

Ms. Tanya Krista-Maenhardt  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Variance Case No. V-010002 (Narrows Point LLC & Magnum Enterprises)**

Dear Ms. Krista-Maenhardt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to expand a road within the shore buffer and the required 25-foot building restriction line and to place more than 600 cubic yards of fill within the 100-year floodplain. The property is 15.5 acres in size and is currently developed with a house and several outbuildings.

Based on our discussions, I understand that the variance for the excessive fill will be reviewed by the Department of Public Works. This letter is therefore specific only to the proposed road widening within the shore buffer and the building restriction line. The information provided pertaining to this variance is not adequate for a thorough review. The following issues should be addressed prior to further consideration of this request:

1. A site plan should be provided which clearly shows the areas where the proposed road widening will encroach upon the required setback, i.e., exactly where the variance is necessary.
2. Once a clear and accurate site plan is provided, information pertaining to the exact square footage of new impervious in the shore buffer and the setback should be provided.
3. How much of a variance is being requested? How close to the shoreline and edge of wetlands is the road proposed? Given that there may be some non-tidal wetlands on site, has a permit from the Maryland Department of the Environment been requested for the new disturbance in the 25-foot non-tidal wetland buffer? Given the close proximity to

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Ms. Tanya Krista-Maenhardt  
January 19, 2001  
Page 2

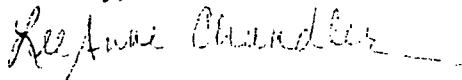
tidal waters and wetlands, where are the limits of disturbance? A tidal wetlands permit may also be necessary.

4. Exactly how wide is the road proposed to be? The distance between the road and shoreline and edge of tidal wetlands should be maximized. A variance from the required road width may be appropriate in this case in order to minimize impacts.
5. A representative cross-section of the road should be provided. How will utilities be installed and maintained?
6. How will runoff be handled? It appears that the road is within the IDA portion of the site; therefore requiring a 10% pollutant reduction. Given that the proposed stormwater ponds are quite a distance from the roadway, this issue should be addressed.
7. Are the shoreline areas adjacent to the road in a stable condition? Will installation of the widened road exacerbate any existing problems?

Without the above information, it is not possible to evaluate whether or not the requested variance meets the strict standards set out in the County Zoning Ordinance. Particularly, it is not clear that the requirements of Section 14-166 (6), (7), and (8) have been met. This office therefore can not support the variance requested until further information is provided.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: Cathy Maxwell  
QC20-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

January 22, 2001  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

Mr. Kenneth L. McLawhon, Town Manager  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, MD 20640

RE: Ken Ammar - New survey, site plan analysis

Dear Mr. McLawhon:

I am writing to inform you of a brief discussion that I had on Friday, January 19, 20001 with Mr. Eric See of See Environmental Services. As you are aware, he has been hired by Mr. Paul Zanecki on behalf of Mr. Ammar to conduct an environmental analysis of Mr. Ammar's property. We discussed the following:

1. He walked the site with Mr. Ammar on Saturday, January 13, 2001. While on site he made several measurements which confirmed that the existing site plan is inaccurate.
2. He indicated that a surveyor has been hired to do a topographical survey such that the amount of clearing within the Buffer to the stream could be quantified as well as the amount of clearing overall.
3. I informed him that Mr. Zanecki had requested that we provide Mr. See with a description of those areas of the site that did not need to be surveyed in order to save Mr. Ammar some surveying costs. I told him that we have not had time to put this information together yet.
4. I asked him if he would like us to provide this information and he said he did not think it was necessary. Rather, the surveyor was instructed to provide accurate information along the length of the driveway, including locating the stream and areas of clearing surrounding the house site. He stated that we could wait for the results of the survey and then perhaps get together to discuss any issues of concern.

Unless you feel differently, Commission staff is comfortable with waiting to see the results of the survey as Mr. See described. If you would still like to get together and outline those areas that do not need surveying, I am of course available to do so. If you have any questions regarding the above or the project in general, please feel free to contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Eric Blitz, Esq.  
Paul Zanecki, Esq.  
Andrew Stephenson, Esq.  
IH105-00

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Chairman



Ren Serey  
Executive Director

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January 22, 2001

Ms. Mary M. Leavell, Clerk  
Board of Appeals  
P.O. Box 2700  
Annapolis, Maryland 21404

RE: Copies of Decisions on Critical Area Cases

Dear Ms. Leavell:

Several weeks ago, I spoke with your office to discuss a potential mechanism for the Commission to automatically receive copies of decisions on cases located within the Critical Area. I understand that your distribution list is created using the sign-up sheet from the hearing. Since we often do not attend the hearings and instead send a letter to County staff to be incorporated into their report, we do not receive a copy of the decision made in each case. In talking to Debs, she suggested that I write to request any decisions we would like to see.

I am writing on behalf of the Critical Area Commission to request a copy of the decisions made in the following cases:

BA69-00V - Steve Washington (Hearing held January 4, 2001)  
BA54-00V - John Hubble, et al (Hearing held January 11, 2001)

Thank you for your assistance. If you have any questions or would like to discuss this matter further, I can be reached at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 22, 2001

Ms. Sue Ann Hyer-Morgan  
Queen Anne's County  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Friel Lumber - Minor Site Plan**  
**File #01-01-0004**

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced site plan. The applicant is proposing to add a lumber storage warehouse to an existing lumber yard as well as construct mini-storage facilities. The property includes a small portion of land within the Critical Area. The Critical Area portion of the site is designated RCA.

Because no development is proposed within the Critical Area portion of the site, this office has no comment on the site plan. If the proposal changes and includes disturbance within the Critical Area, please forward those plans to this office for review.

Thank you for the opportunity to comment.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC35-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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January 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0460-V, William H. Lee

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an addition to an accessory structure with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house, detached garage, concrete patio and two driveways.

Because the proposed addition will not create any additional impervious surface and no clearing or impact to Habitat Protection Areas is proposed, this office does not oppose the variance requested. (While the application states that a Buffer variance is necessary, it is not apparent what type of buffer it is referring to.) If any vegetation is removed in the course of construction, it should be replaced in kind.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA22-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0472-V, Robert & Harriet Basseches

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated RCA and is currently developed with a sprawling house and extensive driveways.

The proposed addition will add 320 square feet of impervious coverage for a total of 5,002 square feet (or 5.9%) of this 1.935 acre lot. However, much of the lot is actually tidal wetlands. If the tidal wetlands are considered State tidal wetlands, they can not be included in the lot area. If they are in fact State wetlands, the impervious coverage would be 17.7% which exceeds the 15% coverage permitted in the RCA. The wetlands should be analyzed to determine if they are private or State wetlands. An impervious surface variance will also be necessary if they are State wetlands.

If the wetlands are private and impervious surfaces are not an issue, this office does not oppose the variance requested. However, on page 2 of the Critical Area report under III.A. - Proposed Conditions, it states, "Construction of the proposed houses...". Is this an error or is the addition creation of a second dwelling unit? Within the RCA, density is strictly limited to one dwelling unit per 20 acres. If the variance is approved, we recommend mitigation at a 3:1 ratio for all disturbance within the Buffer. The Buffer, between the house and the wetlands, should be a priority location for the plantings.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA28-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0470-V, Peter Rich

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house and driveway.

It appears that this is an after-the-fact variance request and the deck is already built. It appears that the house already had a deck and it has been enlarged. The new deck is quite extensive in size. It appears that there may have been some disturbance to steep slopes as well. Is a steep slope variance also necessary? Would it be possible to move the new stairs such that the additional encroachment would be eliminated?

If this is not possible, because the additional Buffer encroachment is limited to three feet, this office does not oppose the variance requested. However, we recommend mitigation at a 3:1 ratio for all disturbance within the Buffer. The Buffer, between the house and the water, should be a priority location for plantings.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA27-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0465-V, Hannah Lieberman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house and driveway.

This office does not oppose the redevelopment of this lot. There are many non-conformities on the lot and it appears that redevelopment would not be possible without a variance. Distance from the shoreline should be maximized, while taking advantage of the existing house footprint. It appears that the amount of impervious surface will decrease though it will still exceed permitted amounts. Provided that appropriate sediment and erosion controls are utilized during construction, this office does not oppose the variance requested. However, with only one tree on the lot, afforestation to 15% should be required for redevelopment.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA24-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0464-V, Matthew Lose

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant proposes to construct a single family dwelling that will require a variance to the buffer and setback requirements. The site is currently undeveloped and contains a non-tidal wetland.

Provided the lot is properly grandfathered, this office does not object to the siting of a single family dwelling on it. A letter of authorization from the Maryland Department of the Environment Nontidal Wetlands Division must be acquired prior to development of the lot. Impacts to the wetlands should be minimized to the greatest extent possible. In addition, because the applicant is proposing to clear over 40% of the existing trees on site (according to the site plan -- there is a discrepancy between the site plan and the Critical Area Report), this office recommends 3:1 mitigation for the clearing in accordance with Section 1A-104(c)(5) of the Anne Arundel County Zoning Ordinance. As much vegetation as possible should be replaced on site.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA23-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Chairman



Ren Serey  
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401  
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January 24, 2001

Ms. Suzanne Diffenderfer  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

VIA FACSIMILE

RE: Variance 2000-0419-V, Donald Morrisette - REVISED PLANS

Dear Ms. Diffenderfer:

Thank you for faxing me the revised plan for the above referenced variance request. It appears that the plans have been revised to comply with the 1993 variance approval on the same lot (i.e., providing an at-least 20 foot buffer between the house and property line). As required by the previous decision, a planting plan should be provided for this area. The amount of impervious surface is still above the minimum, though I understand that the 1993 decision allowed 40% imperviousness on several lots, including this one.

That being said, Commission staff is concerned about the absence of any deck or patio on the water side of the dwelling. In the past year, we have seen several variance applications for decks or patios, made necessary by the placement of the dwelling right at the established setback line. Houses were built with second and third level sliding glass doors leading to nowhere. It was being assumed that they could get yet another variance for a deck or patio. We find it difficult to believe that there will be no decking or patio between this house and the water. Therefore, we recommend that, if the variance is approved, it be conditioned on no further variance applications, thus no further development on this lot.

Lastly, proposed disturbance on this lot exceeds 5,000 square feet. Stormwater management is required by the County's Stormwater Management Ordinance. No stormwater facilities appear on the plans. Given the documented erosion problems in the vicinity of this lot, stormwater management should be addressed.

Thank you for the opportunity to review the revised plans. Please include this letter in your file, along with our previous comments, and submit them as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA624-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 29, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Special Exception 2001-0003-S, Nextel Communications

Dear Mr. Dooley:

Thank you for providing information on the above referenced special exception application. The applicant is requesting a special exception to permit a commercial telecommunications facility in an OS District. The property is designated RCA and is currently developed with a church/camp facility.

Because the proposed facility does not impact any Habitat Protection Areas and because impervious surfaces are not an issue, this office has no comment on the special exception. However, please note, the proposal includes clearing of 0.088 acres of forest for installation of the facility. Replacement of this forest at a 1:1 ratio is required by the County Zoning Ordinance in Section 1A-104(c)(2). The property appears to have plenty of room such that this mitigation can occur on site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA49-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 29, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance 2000-0473-V, Jeffrey Weber

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped. This office reviewed a similar application on the same property in August, 1999. It is not readily apparent why a new variance is necessary.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, impacts should be minimized as much as possible. The previous plans showed the dwelling primarily outside of the wetlands while the current plans show approximately half of the house in the wetlands. It appears that impacts to the wetlands could be further minimized by locating the house in its previous position. Also, over 50% of the lot is proposed to be cleared. Some mitigation should be provided on-site to revegetate those areas cleared for grading. Mitigation should occur at a 3:1 ratio in accordance with the Anne Arundel County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA443-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Chairman



Ren Serey  
Executive Director

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January 29, 2001

Mr. Steve Cohoon  
Queen Anne's County  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Anthony Drummond- Minor Site Plan  
File #MISP 04-01-01-009(c)**

Dear Mr. Cohoon:

Thank you for providing information on the above referenced site plan. The applicant is proposing to convert an existing residence into a graphic design office with associated access and parking improvements. The property is 0.86 acres in size and is designated LDA.

With the proposed level of imperviousness below 15% and with the proposed 15% afforestation, it appears that the project is consistent with the County's Critical Area Program. This office has no Critical Area issues of concern at this time.

Thank you for the opportunity to comment. Please provide additional information if there are changes to the proposal which will affect Critical Area resources.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC42-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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January 31, 2001

Ms. Sue Ann Hyer-Mogan  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Fellows, Helfenbein & Newman Funeral Home - Minor Site Plan  
MISP 04-01-01-0007(c)**

Dear Ms. Hyer-Morgan:

Thank you for providing information on the above referenced minor site plan. The applicant is proposing to construct an addition to an existing funeral home and reconfigure the parking lot. The property is designated LDA and is 0.943 acres in size. The applicant received a variance from the County Board of Appeals to exceed the 15% impervious surface limit.

It does not appear that any Habitat Protection Areas will be affected by the proposal. It appears that the site has at least 15% tree coverage and with the approved variance, impervious surfaces are not an issue. We would like to note that if any further expansion is requested in the future, we recommend that the applicant apply for growth allocation to change the property's designation to IDA. There are no impervious surface limits in the IDA and stormwater management is required. Also, given the soils on this site and the excessive imperviousness, will the expansion exacerbate any existing stormwater problems? It may be appropriate to retrofit the parking lot and building with some type of stormwater management facility.

Thank you for the opportunity to comment. If changes are made to the project as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC496-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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January 31, 2001

Mr. Steve Cohoon  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Grasonville Station, LLC - Final Site Plan - Revision #2  
MASP 05-0010-0008(c)**

Dear Mr. Cohoon:

Thank you for providing Revision #2 of the above referenced site plan. The applicant is proposing to combine four (4) lots of a recently approved commercial subdivision and construct two commercial buildings and associated improvements. The site is designated LDA and is currently undeveloped.

It does not appear that this revision has had any effect on the proposal as it related to Critical Area requirements or resources. We have no further comments at this time. However, if this proposal is moving towards the official request for growth allocation, we encourage the County to send us the 10% pollutant reduction calculations and plans for the stormwater management pond as soon as possible.

Thank you for the opportunity to comment. If changes are made to the project as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC559-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 31, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0006-V, Christine Hubbard

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less Buffer than required. The property is designated LDA and is currently developed with a single family dwelling and driveway.

This office often does not oppose decks of reasonable size. The proposed deck will total 606 square feet in size, which is quite extensive. It appears that it could be reduced in size. Also, while the Critical Area report mentions that adjacent homes have waterfront decks, information on their proximity to the water was not provided. Provided that impacts are minimized, this office does not oppose a deck of reasonable size on this property. However, it is not apparent why it is necessary to disturb 1,755 square feet of the Buffer in order to install the deck. Disturbance should be further minimized.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA50-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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January 31, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0009-V, Russell Scholl

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling and driveway.

Because it appears that the proposed additions are not within the 100-foot Buffer from Herring Bay, this office does not oppose the variances requested. (It is not apparent what Buffer variance is necessary.) Information was not provided as to the existing topography of the site nor what type of vegetation exists. Provided that there are not expanded Buffer issues (for slopes), mitigation should be provided at a 1:1 ratio for all vegetation removed.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA52-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 2, 2001

Ms. Tanya Krista-Maenhardt  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Narrows Point - Concept Plan, #CP 05-0011-0003**  
**Revision #1**

Dear Ms. Maenhardt:

This office has received the revised plans for the above referenced Concept Plan. The applicants propose a 38 unit planned residential development on a 15.52 acre site. The site is currently developed with one dwelling. The proposal calls for 38 duplex units (19 buildings), with parking and stormwater management. As you are aware, we met on site in early January to walk the site, look at existing conditions and highlight any areas of concern. At the end of the meeting, Tom Davis of McCrone, Inc. stated that the wetland flags would be surveyed and a new site plan prepared. After a new site plan was prepared, another meeting would be held to discuss any issues of concern. These comments are based on the revised site plan submitted to the County on January 3, 2001, notwithstanding the new information that may be forthcoming shortly.

1. The site plan has been revised to reflect the split Critical Area designation on this property. Impervious surface coverage within the LDA portion of the site is proposed to be approximately 14%, below the 15% limit. The IDA/LDA line should be verified using the County's map to ensure accuracy. Sheet 1, under "Site Statistics", should be corrected to state that the site has a split designation. The development within the LDA portion of the site will involve significant disturbance to slopes of 15% or greater. I understand that this issue may be addressed through the local variance process.
2. Our office remains concerned about the intensiveness of the proposed development of this property and the extensive Buffer intrusion. As stated previously, while the property has been designated a Buffer Exemption Area (BEA), development within a BEA is limited by the County's BEA regulations at §14-153(d) of the County Code. These regulations include provisions which require a property owner to avoid developing within

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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the BEA unless the Planning Director finds that there is no feasible alternative and that **the intrusion into the Buffer is the least necessary** (§14-153 (d)(1)) [emphasis added]. The letter of explanation provided with the revised site plan states that the buffer intrusion proposed is the least necessary **"to accomplish the project as presented"** and **"to the unit count and intensity proposed."** The intensity of the proposal is the problem. Fewer units would allow more flexibility in the layout of the development and would significantly reduce the Buffer intrusion. The fact that 124 units would be permitted by the WVC district is somewhat irrelevant. The sensitive features of the site and its partial LDA designation limit the development potential.

3. While it was discussed at the December 20<sup>th</sup> STAC meeting, the site plan still shows decks on some units and not on others, with some units sited right up to the 50-foot Buffer line. Again, fewer units would allow greater flexibility of design, such that all units could potentially have decks, entirely outside of the 50-foot Buffer. It is unreasonable to assume that variances will not be sought in the future for decks waterward of the 50-foot setback. This issue should be addressed and resolved at the concept plan stage.
4. The road (in the vicinity of units 23 to 29) is still located within the 50-foot Buffer. All new development activity, including the new road, should be located outside of the 50-foot Buffer. There is a span of 80 feet outside of the 50-foot Buffer where the road could be located. (This situation is different than where the existing driveway is within the 50-foot Buffer because there is no room out of the Buffer.) The proposal should be redesigned to move the new road out of the minimum 50-foot Buffer. This office understands that the variance requested is for the expansion of the existing road within the 25-foot yard setback and is not for the new road in the 50-foot shore Buffer. We oppose the new road in the 50-foot shore Buffer. There are obvious alternatives to the location of the road which would still allow significant development on the site. Achieving maximum build-out when alternatives are available does not meet the spirit and intent of the Critical Area Law.
5. The slopes of 15% or greater are not appropriately identified on the site plan. While we recognize that the slopes were created by human activities, it is likely that they are now in a stable condition. The County Code in §18-1-080 states that "Steep slopes of 15% grade or higher may not be disturbed by development activities." The slopes are also in the Buffer and Buffer expansion should be required. We understand that the applicant has requested a determination as to whether a variance is required to allow development and disturbance to the steep slopes. Without the steep slopes being shown on the site plan and subsequently, the proposed disturbance to steep slopes, it is impossible to comment on such a variance request.

Ms. Tanya Krista-Maenhardt

February 2, 2001

Page 3

6. When available, please forward revised plans showing the surveyed wetland (tidal and non-tidal) boundaries to this office for further review.
7. As stated in previous comments, this office has recently reviewed information regarding dredging at Mears Point Marina. The dredging proposal includes expanding the marina basin by excavating an additional 1853 square foot area of upland from the Narrows Point property. This area of upland is Critical Area Buffer. It is still not shown on the site plans provided. Excavation of the Buffer is not permitted unless a new Buffer can be provided, regardless of Buffer-Exempt status.
8. Quantified information on proposed clearing and grading should be provided. Clearing of existing natural vegetation in the Buffer is not permitted. All limits of disturbance must be shown on the site plan and should be included in the calculation of Buffer impacts for mitigation purposes. I understand that the applicant has applied for a variance from the Department of Public Works for filling more than 600 cubic feet within a floodplain. How much fill is proposed?
9. It is our understanding that the County requires all mitigation to be met on site on properties that are designated BEA and are located in the Waterfront Village zoning district. It is not apparent that there is adequate upland acreage available to meet the mitigation requirement on site, especially if there is some existing natural vegetation. We recommend that a planting plan be prepared that shows the required mitigation on site.
10. We recommend that the County require mitigation for impacts to the Buffer from the proposed stormwater management facilities. In addition, Sheet 1 shows calculation of Buffer mitigation based on new impervious surface within the 100-foot Buffer. In the areas of steep slopes, mitigation should be based upon new impervious surfaces within the 100-foot Buffer plus any expansion necessary for steep slopes. This will increase the total mitigation. This then relates to the concern expressed in comment 9 above.
11. In order to further minimize impervious surfaces, we recommend that the parking be reduced to the minimum required by the County code. As proposed, there are 98 parking places MORE than required. This is not minimizing impacts to the Buffer or minimizing impervious surfaces. Over 4 parking places for each unit is excessive. Also, the parking calculation on Sheet 1 still shows a total of 124 spaces provided. This should be corrected.
12. The waters surrounding the subject property are historic waterfowl staging and concentration areas. How will this Habitat Protection Area be protected? Are any water-dependent facilities (i.e, community pier) proposed? While the subject property is Buffer-Exempt and is made up of dredge spoils, it still appears as a natural shoreline from the water. Any conversion to residential lawn will have a negative effect from a habitat



Ms. Tanya Krista-Maenhardt  
February 2, 2001  
Page 4

standpoint. The letter accompanying the revised plan from McCrone states that the majority of the mitigation will be placed on the marina side of the property to screen out the noise of the marina. While this serves one purpose, the Buffer is supposed to provide for water quality and habitat protection on all sides of the property. A natural Buffer should be provided to screen the HPA from the proposed development of the site. How is this being addressed?

Thank you for the opportunity to provide comments on the revised plans. I will not be able to attend the February 7, 2001 STAC meeting due to the Commission's scheduled monthly meeting. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in black ink and includes a horizontal line extending from the end of the name.

LeeAnne Chandler  
Natural Resources Planner

cc: QC594-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 5, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0468-C, Wright Investment Group

Dear Mr. Dooley:

Thank you for providing information on the above referenced request for Critical Area reclassification. The applicant is requesting a reclassification that would remove 2.5 acres of land from the Critical Area. Currently, the property is designated RCA.

In 1995, the owner of a neighboring property pursued a reclassification to remove 1.15 from the Critical Area. It is my understanding that the reclassification was approved by the Administrative Hearing Officer and then the map change was submitted to the Critical Area Commission as an amendment to the County's Critical Area Program. The finding that a drafting error had occurred on the part of the County during the original Critical Area mapping was the primary reason for the reclassification. The Critical Area Commission approved the amendment based on the documented mapping mistake.

The property currently in question is similarly affected by the same drafting error. This office does not oppose the reclassification. However, we do note, that such a reclassification does not become official until a formal map amendment is submitted to and reviewed and approved by the Critical Area Commission. (The previous map amendment was specific to the Enyart property only.) Commission staff is available to assist the County and/or the applicant as needed. The contact person for the map amendment is Ms. Lisa Hoerger and she may be reached at (410) 260-3478.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: David M. Plott, Esq.  
Ms. Elinor Gawel  
Ms. Lisa Hoerger  
AA43-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 5, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0479-V, John McGovern  
Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and on steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized, and the variance requested the minimum to provide relief. It is constrained by slopes of 15% or greater over much of the lot and it appears that it could not be developed without a variance. The house has been sited close to the front property line to line it up with adjacent homes. However, its footprint does appear quite larger than neighboring homes and impacts would be lessened by a reduced footprint. While the Critical Area report states that stormwater will be addressed during the building permit stage, where would such a facility be placed? Will it create even more impact on the steep slopes? Why is it necessary to grade 20 feet beyond the end of the house? How will the water and sewer pipes be installed? We recommend directional drilling if possible to reduce disturbance to existing vegetation. An effort should be made to further reduce clearing as the soils on this site are steep and prone to erosion when cleared of existing forest vegetation. Impacts should be further minimized. As proposed, reforestation is required at a 3:1 ratio for clearing over 30% of the site. At least some of this mitigation should be replaced on site.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA45-01

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Ren Serey  
Executive Director

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February 2, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0482-V, Francisco Flores

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. It is severely constrained by the Buffer to the adjacent tidal wetlands and it does not appear that it could be developed without a variance. That being said, impacts should be minimized as much as possible. The home is not overly large, but we recommend that it be placed closer to the road than proposed (perhaps a BRL of 20 feet instead of 25 feet). Also, there is no deck proposed. All proposed development should be included in this request such that an additional variance to intrude even further into the Buffer would be unnecessary. Also, the lot includes an area of tidal wetlands. Are these State tidal wetlands or private wetlands? This should be clarified because State tidal wetlands can not be included in the lot area for purposes of calculating impervious coverage. An impervious surface variance may also be necessary. As many trees as possible should be preserved. Currently 75% of the lot is proposed to be disturbed. We recommend mitigation at a 3:1 ratio for all disturbance.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA46-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 2, 2001

Ms. Tanya Krista-Maenhardt  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Variance Case No. V-010002 (Narrows Point LLC & Magnum Enterprises)**  
**FURTHER COMMENTS (based on revised application)**

Dear Ms. Krista-Maenhardt:

This office has been provided with a revised variance application which includes a request for "a determination as to whether a variance is required to allow development and/or disturbance of existing steep slopes artificially created by dredged spoils." We would like to provide comments in regard to this issue and also to clarify our position on the variance for the road.

As stated in our comments on the revised Narrows Point site plan, the location and extent of slopes of 15% or greater, along with the limits of disturbance on those slopes, must be shown on the site plan. Without this information, it is not possible to comment on the variance request (or whether or not a variance should be necessary).

Also, the letter which accompanied the revised site plan for Narrows Point responded to our concern about the new road within the 50-foot shore Buffer (in the vicinity of units 23 through 29) by stating that the applicant has requested a variance for construction of the road within the shore buffer and setbacks from tidal waters. We have previously discussed this issue and you have indicated that the variance is actually for the expansion of the existing road within the required 25-foot building restriction line and that the new road in the 50-foot Buffer would be addressed through the site plan review process. I wanted to emphasize again that new development activity, including the new road, should be located outside of the 50-foot Buffer. There is a span of 80 feet outside of the 50-foot Buffer where the road could be located. (This situation is different than where the existing driveway is within the 50-foot Buffer because there is no room out of the Buffer.) There is no hardship related to the new road in the 50-foot Buffer because there is an alternative location. The proposal should be redesigned to move the new road out of the minimum 50-foot Buffer.

Thank you for the opportunity to submit further comments. Please include this letter in your file and submit it (along with our previous comments) as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Cathy Maxwell  
QC20-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 8, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0011-V, Henry Hirsch

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA and is being developed with a new house (to replace an old house). It also contains an existing barn, and several attached and detached accessory structures.

Because there are no habitat protection areas affected by the proposal and because impervious surfaces are not an issue, this office has no comment on the setback variance. Vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA64-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 8, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0012-V, Todd Croteau

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure in the front yard and with less setbacks than required. The property is designated LDA and is currently developed with a house.

Because there are no habitat protection areas affected by the proposal and because impervious surfaces are not an issue, this office has no comment on the setback or yard variance. Vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA65-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
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February 8, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0014-V, Harold and Alison Whitacre

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a house.

Because there are no habitat protection areas affected by the proposal and because impervious surfaces are not an issue, this office has no comment on the setback ~~yard~~ variance. Vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA66-01



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 8, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0016-V, Cherie and Steve Yelton

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a shed and deck with less setbacks than required. The property is designated LDA and is currently developed with a house and parking area.

Because there are no habitat protection areas affected by the proposal and because impervious surfaces are not an issue, this office has no comment on the setback variance. Vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA68-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 8, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0019-V, Severn Associates

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated IDA and is currently developed with a house and driveway. The existing house will be removed and replaced with a new house with less setbacks.

Because there are no habitat protection issues, this office has no comment on the setback variance. The lot is designated IDA and therefore requires the 10% pollutant reduction rules to be addressed upon redevelopment. Usually, on lots of this size, plantings are sufficient to meet this requirement. The Buffer, between the house and the water, should be a priority location for the plantings.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA70-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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February 8, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0010-V, Schoolers Pond Property Owners Association

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a community recreational pier with less road frontage than required.

Because it appears that there will be no impacts above mean high water, this office has no comment on the road frontage variance request. Any approvals should be conditioned on final pier permit approval from the Maryland Department of the Environment.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA63-01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 9, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0028-V, Ken Ferguson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a house, two sheds and parking area. One of the sheds is proposed to be removed.

Because there are no habitat protection areas affected by the proposal and because impervious surfaces are not an issue, this office has no comment on the setback variance. The area of the existing shed that will be removed should be revegetated to ensure perviousness.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA79-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 9, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0484-V, Ivory Tucker


Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized, and the variance requested the minimum to provide relief. It is constrained by slopes of 15% or greater over much of the lot and it appears that it could not be developed without a variance. However, it seems that there is opportunity to reduce the intrusion on steep slopes by shifting the house closer to the southern property line. Also, according to the information we have on distance requirements between structures and septic areas, it appears that the drain fields could be placed as close as 9 feet apart. Doing so would allow all disturbance and the dwelling to be shifted closer to the road, again reducing overall impacts to the site and to steep slopes. This would also reduce impervious surfaces, allowing the stormwater facility to be made smaller than the current 1,680 square foot structure. As proposed, over 30% of the site will be cleared and reforestation is required at a 3:1 ratio. It appears that there are opportunities to reduce impacts.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA47-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 9, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0475-V, New Deale Beach Project Inc.

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. As proposed, it does not appear that impacts have been minimized. The proposed house has a footprint exceeding 3000 square feet and it is sited wholly within the 100-foot Buffer and extremely close to the edge of tidal wetlands. There is no reason that the house can not be placed at the front building restriction line to help reduce impacts to the Buffer. The house is sited on a dead-end road with only three houses beyond it so traffic is not an issue. Also, the house is in a neighborhood of mixed housing styles and sizes. This office recommends that the footprint of the dwelling be redesigned and reduced in size to minimize Buffer intrusion. The variance requested is clearly not the minimum to provide relief. Lastly, we recommend that any approval be conditioned on mitigation at a 3:1 ratio for all disturbance within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA44-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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February 14, 2001

**VIA FACSIMILE**

Ms. Suzanne Diffenderfer  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

**RE: Variance 2000-0459-V, Charles Petrone - COMMENTS ON REVISED PLANS**

Dear Ms. Diffenderfer:

This office has received the revised site plan and Buffer Management Plan for the above referenced variance request. The revised site plan has eliminated the 12-foot wide cleared and graded access to the shoreline. It has also eliminated some of the extraneous grading behind the house. However, the square footage of grading has not been quantified. This should be clarified in order to determine square footage of clearing and to ensure accurate mitigation totals. It appears that the amount of clearing on the lot still exceeds 30%. The Zoning Ordinance requires mitigation at a 3:1 ratio for clearing over 30% of the lot. The Buffer Management Plan includes approximately 8300 square feet of plantings. There is still a deficit of 1528 square feet of plantings (based on clearing 3276 square feet, i.e., existing woodland minus remaining woodland) that should be addressed. The Buffer Management Plan contains a majority of shrubs, many of them ornamentals. We recommend that more native trees be used. As trees carry more credit than shrubs, the 3:1 mitigation requirement could potentially be met entirely on site.

Thank you for the opportunity to review the revised plans. Please include this letter (as well as our previous letter) in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA11-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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February 15, 2001

Ms. Tanya Krista-Maenhardt  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Variance Case No. V-010002 (Narrows Point LLC & Magnum Enterprises)**

Dear Ms. Maenhardt:

This office has received the revised, more detailed site plan for the above referenced variance application. The applicants are requesting a variance to widen an existing road within the required 25-foot yard setback from tidal waters. Specifically, according to the letter accompanying the site plan, there will be 16,730 square feet of additional impervious cover within the 25-foot setback. (Please note, the site plan states that this number includes both disturbance and increased impervious cover so this should be clarified.) According to the letter, the new impervious will be as close as 14 feet from tidal waters.

It is not apparent that the newest site plan was prepared based on the flagged wetlands in the field. When we visited the site in mid-January, the representative of McCrone indicated that a new site plan would be prepared once the flagged wetlands were surveyed. While the areas of new impervious are indicated on the site plan, the edge of wetlands and limits of disturbance are not clearly shown (especially on the southern end of sheet 4). This issue is being raised because it appears that permits may be needed for the road from the Maryland Department of the Environment for either direct tidal or non-tidal wetland disturbance or non-tidal wetland buffer disturbance.

While we were on site, we also discussed (with the applicants and their consultants) possible opportunities for reducing the road width to minimize disturbance and maximize the distances from the wetlands and shorelines. The plans provided show a standard 24-foot road width. We recommend that the applicants pursue modifications in the road width to reduce disturbance and minimize the variance requested.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Ms. Tanya Krista-Maenhardt  
February 15, 2001  
Page 2

This office does not oppose the variance requested, provided that: all impervious coverage associated with the road be included in the 10% calculations for the entire project; mitigation for all disturbance associated with the road be included in the totals for the entire project; the applicant pursue opportunities to reduce the road width; and that the approval, if granted, be conditioned on approval of any necessary permits from the Maryland Department of the Environment.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in dark ink and extends to the right with a long, thin horizontal stroke.

LeeAnne Chandler  
Natural Resources Planner

cc: Cathy Maxwell  
QC20-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 16, 2001

Mr. Kenneth L. McLawhon, Town Manager  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, MD 20640

RE: Critical Area Program and Ordinance Update

Dear Mr. McLawhon:

At the February 7, 2001 Critical Area Commission meeting, the Commission voted to approve the Town's new Critical Area Program with one (1) condition. The condition is that the Town must provide a revised official Critical Area map. This map should have the approval of the Town Council and be kept in the Town office as the official Critical Area map. A signed copy should be provided to this office for our files as well. I have been in contact with Mr. Anthony Redman of Redman Johnson Associates, indicating that a new map should be prepared and sent to our office for review. After review by Commission staff, I will forward this map to the Town for official approval.

Given that the entire new Zoning Ordinance became effective on October 17, 2000, the Critical Area section has received its final approval from the Commission and is effective immediately. Thank you for your kind assistance in completing the Comprehensive Review. If you have any questions or concerns about this matter, feel free to contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Mr. Anthony Redman, RJA  
IHA-3

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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February 16, 2001

Mr. Rick Dwyer  
Salisbury/Wicomico County  
Dept. of Planning, Zoning & Community Development  
P.O. Box 870  
Salisbury, Maryland 21803

RE: Special Critical Area Project

Dear Rick:

At the end of January, a letter was sent to all of the Critical Area local jurisdictions explaining some changes to the upcoming Critical Area grants for FY 2002. One aspect of the letter described an opportunity to apply for additional funds for special projects in FY 2002. Submissions are being accepted until February 27, 2001 and should contain a detailed description of the special project, who will accomplish the project, a timeline for completion and a detailed cost estimate.

I am writing to encourage the County to apply for some additional funds for the purpose of drafting, designing and publishing a booklet or brochure for property owners and permit applicants within the Critical Area. Such a brochure could be handed to every applicant and could contain all needed information on the County's Critical Area requirements. I am also offering my assistance in the drafting and design of such a brochure. I have enclosed three brochures from other Counties which can serve as examples. Given that the Comprehensive Review process is moving along and by October, when the grant would begin, the new Program and ordinance amendments would have been adopted (or close to it), it seems an ideal time to design and publish a new public education document.

The deadline for grant applications for these special projects is in less than two weeks. I will contact you in the near future to discuss this matter further. I would be happy to meet with you to assist with preparation of the grant application.

Sincerely,

A handwritten signature in cursive script, appearing to read "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: David Nutter (w/o enc.)

Frank McKenzie (w/o enc.)  
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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February 20, 2001

Mr. Steve Cohoon  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Grasonville Station, LLC - Growth Allocation Petition**  
**GA 05-01-01**

Dear Mr. Cohoon:

Thank you for providing information pertaining to the growth allocation petition for the Grasonville Station commercial subdivision. This office has reviewed the project through the various stages of site plan review to date. We understand that the next step is for the Planning Commission to consider the growth allocation request and to hold a public hearing.

Commission staff has reviewed the information provided. While not specified in the petition, the acreage of growth allocation requested appears to be 5.0103 acres (the entire Critical Area portion of the parcel) according to the subdivision plan. It appears that the project lies within an area pre-mapped for growth allocation and is adjacent to existing IDA. Locating the growth allocation on this property appears to be consistent with the County's Critical Area Program.

However, with regard to the specific project, this office is unable to conclude that the proposed project is consistent with IDA requirements. No information has been provided which demonstrates that the 10% rule has been addressed. As indicated in the numerous previous letters this office has submitted regarding this project, the plans and calculations for the stormwater pond should be provided to this office for review. This office can not accept any formal request for Commission review and approval of growth allocation for this project without this information.

Thank you for the opportunity to comment. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC559-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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February 21, 2001

The Honorable Murray D. Levy, President  
County Commissioners of Charles County  
P.O. Box 2150  
La Plata, Maryland 20646

**RE: Critical Area Program and Ordinance Update**

Dear President Levy:

At its regularly scheduled meeting of February 7, 2001, the Chesapeake Bay Critical Area Commission approved the Charles County Critical Area Program and Ordinance update with conditions. The Program document was approved without conditions. The Ordinance Text Amendments were approved with 11 conditions. These conditions had been previously discussed with County Planning staff and, for the most part, had been incorporated into a new draft document that was provided to Commission staff at the meeting. The conditions are as follows:

**1. Section 131(a).i.b. [page 146] is inconsistent with the State Criteria in regard to Water-Dependent Facilities in allowing new or expanded industrial facilities in the LDZ or RCZ. Section to be revised as follows (add language in *italics*, delete language in ~~strikeout~~):**

- i. New buildings, structures, activities, and facilities permitted in the underlying base zones shall be prohibited within the Buffer except for the following:
  - a. ...
  - b. *New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities where permitted in the IDZ only where designated as Buffer Exempt.*
  - c. New commercial marinas and other related commercial ~~and industrial~~ maritime facilities where permitted in the IDZ and LDZ, provided that non-water-dependent uses and activities are not located in the Buffer; and expansion of existing commercial marinas ~~and other related commercial and industrial maritime~~ in the RCZ, provided sufficient demonstration that the expansion will result in an overall net improvement in water quality at or leaving the site of the marina. While proposed water-dependent uses shall be reviewed on a case by case basis by the Planning Division, Figure VIII-1 generally distinguishes those water-dependent facilities which may be permitted in the Critical Area (*depending on the zone*), within and outside of the Buffer.

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2. Section 131(c)iii. [page 151] is not wholly consistent with the Commission's new policy for residential BEAs. Language to be added in *italics*:

iii. Development and redevelopment rules. For all new development and redevelopment activities, applicants must demonstrate that the distance between the new development and the mean high water line has been maximized. *In no case shall new development or redevelopment be located less than 25 feet from the water (or the edge of tidal wetlands).* The following rules also apply:....

Also - added after G. on page 152:

H. *Variances to local setback requirements should be considered before additional intrusion into the Buffer.*

I. *BEA designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer to create additional buildable land for new development or redevelopment.*

3. Section 131(c)iii.b.[page 151] - The last sentence contains an incorrect reference. It should read "...shall be offset as described in Subsection 131 (c)(iv) below."
4. Section 132 (d)iii. [page 156] - The word "unless" shall be replaced with "and only after."
5. Section 132 (d)v. [page 157] - There is no definition for either "sand and gravel operation" or "surface mining" and they seem to be used interchangeably. The following definition will be added to the definition section (Section 128).

*Surface Mining or Sand and Gravel Operation. The breaking of the surface soil in order to extract or remove minerals in the Critical Area; any activity or process constituting all or part of the process for the extraction or removal of minerals from their original location in the Critical Area; and the extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities. Surface mining also means operations engaged in processing materials at the site of extraction; removal of overburden and mining of limited amounts of any material when done for the purpose of prospecting and, to the extent necessary, to determine the location, quantity, or quality of any natural deposit; and mining operations, if the affected land exceeds one acre or more in area.*

Please note, with regard to condition number five, the Commission understands that the County is considering amendments to their County-wide minimum standards for Mining Special Exceptions (on-going Zoning Text Amendment #00-49). The above definition may be replaced, if desired, by a new definition upon approval of the proposed Zoning Text Amendment.

6. Section 132(g)iii.[page 160] - First sentence shall read "Roads, bridges and utilities serving development shall be so located, *designed, constructed, and maintained so as to provide*

The Honorable Murray D. Levy

February 21, 2001

Page 3

*maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and to maintain hydrologic processes and water quality."*

7. Section 132 (g)iv. [page 160] - The following shall be added to part b. *"and reduce increases in flood frequency and severity that are attributable to development."*
8. Section 132(g)v. [page 160] - Part a shall remain unchanged, i.e., keep "reduce" and delete "LIMIT".
9. Section 132(g)vii.e.2. [page 161] - The last sentence contains an incorrect reference. It should read "Replacement of cleared area shall be done in accordance with Section 132(e)."
10. Section 132(g)viii. [page 162] - This section shall read, "Development on slopes of 15% or greater shall be prohibited."
11. Section 130(a)iii. [page 144] - This section contains an incorrect reference. The second sentence should read, "At a minimum, development on lots created prior to June 1, 1984, shall comply with the provisions of Section 132." (Reference to Section 132 (a) should be corrected.)

The Commission's approval does not include the proposed changes to Section 132(d) regarding uses permissible in the RCZ. At the suggestion of the Commission's Chairman and the formal request of the County, the RCZ uses section has been placed on hold pending a meeting. The approval also does not include several minor changes (arising from staff discussions and concerns expressed by the public) made to the Program and Ordinance text amendments by County staff which the County Commissioners have not yet approved. If these minor changes are approved by the County Commissioners, they may be brought back to the Commission as a refinement to the County's Program.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County shall, within 120 days of receipt of this letter, incorporate the approved program and ordinance amendments into its adopted Program.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: Steve Magoon  
Zakary Krebek  
Kevin Vienneau  
Karen Wigger

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 22, 2001

Ms. Lisa Collison  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Administrative Subdivision, File #04-01-02-0007-C (Eastern Shore Genesis, LLC)**

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. A lot line adjustment is proposed to reconfigure existing parcels to support the expansion of an existing funeral home. This office previously commented on the minor site plan detailing the expansion of the funeral home. Please refer to our letter of January 31, 2001 for comments on the project. With regard to this subdivision, we have no comments at this time.

Thank you for the opportunity to comment. Please provide additional information if there are changes which will affect Critical Area resources.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC88-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 22, 2001

Ms. Suzanne Diffenderfer  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

**RE: Variance 2000-0256-V, Dorothy Butz**

Dear Ms. Diffenderfer:

This office would like to comment on the above referenced variance case, which is scheduled to be heard by the Anne Arundel County Board of Appeals on Thursday, February 22, 2001. The applicant is requesting a variance to permit a detached deck with less setbacks and Buffer and with disturbance to steep slopes. The property is designated IDA and is currently developed with a house, deck, pool, and driveway. Based on the information provided and a site visit conducted February 21, 2001, this office can not support the variance requested.

There is nothing unique about the property. The subject property already is developed with a pool and associated deck. The property also contains three (3) sheds (which do not appear on the site plan), all located within the Buffer. The applicant already has more than reasonable use of the property, including a deck. There is no unwarranted hardship in this case. The proposed use is already provided for in the existing deck. In addition to the existing deck, there appears to be a nice level lawn area near the water that can be used for relaxation or other purposes.

The proposed deck would be perched over very steep slopes, causing unnecessary disturbance and would likely lead to the dying off of existing slope vegetation. Removal of slope vegetation could lead to future erosion problems. The Buffer on this property is already heavily impacted by existing structures. Allowing yet another in the Buffer and on steep slopes, would be contrary to the spirit and intent of the Critical Area Program. While there may be other non-conforming or even illegal structures in the Buffer in the neighborhood, this is not justification for allowing further unnecessary disturbance in the Buffer. If necessary, the County should pursue the illegal structures as violations of the Critical Area Program.

Again, because the applicant can not generally meet the variance standards and because there is no unwarranted hardship in this case, this office opposes the variance requested.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Ms. Suzanne Diffenderfer  
February 22, 2001  
Page 2

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the Board of Appeals record for this variance. Also, please notify the Commission in writing of the decision made in this case.

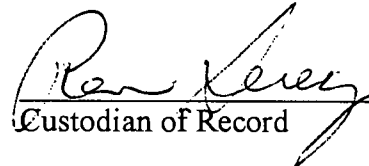
Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA381-00

---

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.

  
Custodian of Record

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

February 26, 2001

Mr. Rob Pearce, RLA  
District #1 Office  
PO Box 2679  
Salisbury, Maryland 21802-2679

RE: Planting Agreement and Landscape Plan for MD 347

Dear Mr. Pearce:

Thank you for providing the completed "Planting Agreement for State Projects" form for the proposed improvements on MD 347 in Quantico, Wicomico County. I have reviewed the form, along with the revised Landscape Plan, and it appears that the revised plan is consistent with our discussion (regarding use of only native species to satisfy the Critical Area mitigation requirement). These plans satisfy the two conditions of approval regarding mitigation for this project.

The planting date referenced on the planting agreement is 2001. I am assuming that project construction will begin this summer with the planting occurring some time this fall. I will follow up with a site visit once the mitigation plantings are complete.

Thank you for your assistance with this project. If you have any questions or if the plans change significantly, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script, reading "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Glenn Marschke, WMA  
Sharon Alderton, SHA  
SHA33-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

February 26, 2001

**VIA FACSIMILE**

Ms. Pam Miley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0472-V, Robert & Harriet Basseches - REVISED COMMENTS

Dear Ms. Miley:

This office has received the revised information on the above referenced variance request. The size of the proposed addition has increased from 16 feet by 20 feet to 20 feet by 24 feet. A porch has been added to the plans as well. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated RCA and is currently developed with a sprawling house and extensive driveways.

The proposed additions will add 567 square feet of impervious coverage for a total of 5,249 square feet (or 6.2%) of this 1.935 acre lot. Our previous comments expressed concern regarding the presence of tidal wetlands on the lot and raised a question as to whether they were State tidal wetlands or private tidal wetlands. (If they were State wetlands, they could not be included in the lot area.) Based on the State tidal wetland maps and a discussion I had with Mr. Eric See, it appears that the wetlands on this lot are private tidal wetlands (i.e., the vegetation type listed on the map indicate that it is a "high" marsh, above regular mean high tide). An impervious surface variance is therefore not necessary.

This office does not oppose the variance requested. If the variance is approved, we recommend mitigation at a 3:1 ratio for all disturbance within the Buffer. The Buffer, between the house and the wetlands, should be a priority location for the plantings.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA28-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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February 26, 2001

Ms. Tanya Krista-Maenhardt  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Cerutti Building - Concept Plan - Revision #1  
CP 04-0012-0018(c)**


Dear Ms. Maenhardt:

Thank you for providing the revised information the above referenced project. The applicant is proposing to construct a building with associated parking to be used for a marina distribution business. The site is designated LDA and is currently vacant. The applicants are also requesting growth allocation to change the designation to IDA.

As you are aware, this project as proposed requires growth allocation to change the designation from LDA to IDA. The primary Critical Area concern in the IDA is the 10% pollutant reduction requirement. The explanatory letter from McCrone, Inc dated February 7, 2001 states that the "10% requirement was addressed by the design of the regional stormwater management pond for the MD General Land Company, LLC subdivision." As indicated during the initial STAC meeting on this project, our office has not received any information on the regional pond or how it meets the 10% requirement. Please provide this information for our review. This information will be necessary prior to any formal review or approval of the growth allocation by the Critical Area Commission.

Thank you for the opportunity to comment. Please provide the information requested when it is available. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: QC655-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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March 1, 2001

Ms. Lisa M. Collison  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Administrative Subdivision - File# 05-01-02-0008(c)**  
**Robert Jewell**

Dear Ms. Collison:

Thank you for providing information on the above referenced administrative subdivision. The applicant is requesting relocation of a lot line to transfer 0.151 acres from one lot to another. From the plat, it appears that both lots have existing dwellings on them.

The impervious surface table which appears on the plat indicates that Parcel 316 will have only 351 square feet of allowable impervious surface remaining. There is no garage, driveway or parking area shown on Parcel 316. With the possible addition of a garage or driveway at some point in the future, the allowable imperviousness may be exceeded and may require a variance. This office could not support such a variance request because the lot line adjustment would have created the need for the variance. We recommend that the lot line adjustment be modified to ensure that provisions for parking of a vehicle (or two as required by code) could be made without the need for a variance. Additional plat notes may also be warranted to alert future property owners of the impervious surface restrictions and the resulting restrictions on future development on the lot.

Thank you for the opportunity to comment. If changes are made to the project as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC102-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

March 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0022-V, Michael and Julie Reisinger

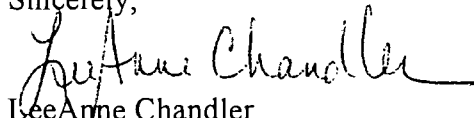
Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with a house and a frame "beach house" structure.

This office reviewed and commented on the previous variance request for this property. We understand that because the existing dilapidated "beach house" will be completely removed, reconstruction on the same footprint is not possible. Rather, the addition will maintain a distance of 65 to 70 feet from the shoreline as compared to the existing 25 feet. This will minimize impacts to the Buffer and allow restoration of the portion of the Buffer now occupied by the existing structure. If the project is approved, we recommend that stormwater management be addressed in some way. We also recommend mitigation for the new impervious within the Buffer at a 2:1 ratio and the new impervious outside the Buffer at a 1:1 ratio in accordance with the County Zoning Ordinance. The Buffer should be a priority location for the plantings, especially where existing impervious areas will be removed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA82-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0008-V, Janet Richardson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less Buffer than required and on steep slopes. The property is designated RCA and is currently developed with a single family dwelling and driveway.

This office does not oppose redevelopment of this property. However, impacts must be minimized and the variance requested the minimum to provide relief. The proposed dwelling is extensive in size and its sprawling design results in a footprint exceeding 6000 square feet. Commission staff has visited the site with the applicant's consultants and had two other meetings with the architect. These issues have been raised previously. We have suggested that the house be expanded landward of the existing main part of the house (i.e., to result in more of a rectangular shape rather than such a linear design). This would help minimize new impacts to the 100-foot Buffer and expanded Buffer. Based on the site visit and the site plan, the primary area of concern is the new portion of the house fronting on Crab Creek. This new part of the house impacts steep slopes and is only 54 feet from the water.

While the Critical Area report states that all runoff will be managed for stormwater, the plans should be clarified as to how much of the site will be drained to the stormwater management facility and how much will actually be piped down the slopes to the creek. As much roof runoff as possible should be directed to the stormwater facility. Also, the site plan indicates an overall impervious surface decrease for the entire site. Previous plans for the property showed a gate house, a large swimming pool, cabana, an eight horse stable and various parking lots to accommodate more than ten cars. With the addition of such facilities, impervious surfaces over the entire site will be much greater than that existing. Such plans should be disclosed at this stage in order to ensure water quality and habitat protection over the entire site. For example, how will stormwater for those facilities be handled?

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Mr. Kevin Dooley  
March 6, 2001  
Page 2

On the positive side, the applicants propose to move the septic system from the 100-foot Buffer and they propose a Buffer Management Plan to offset clearing and new impervious within the Buffer and expanded Buffer at a 3:1 ratio. Stormwater management will also be provided for some of the impervious surfaces where there is currently no stormwater management. While this office remains concerned that it is the design of the house that is creating the need for the variance, we do recognize that the applicant has taken many steps to help offset the impacts. If this variance is approved, we recommend that it be conditioned on the proposed 3:1 mitigation for all disturbance in the Buffer and expanded Buffer. Also, as much of the site as possible should be directed to a stormwater management facility (rather than being piped to the creek).

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: Christopher Frank, Hammond Wilson Architects  
AA51-01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Department of Planning & Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case Nos. 2001-0024-0027-V, Kenneth Parsons

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting variances to permit three (3) dwellings with less Buffer and setbacks than required and a variance to exceed impervious surfaces on a residential lot in order to construct a road. The properties have split designations of LDA and RCA and are currently undeveloped except for an existing shed on Lot B.

Usually, for properly grandfathered lots, this office does not oppose minimal variances in order to allow the lot to be developed with a single family dwelling. This office previously submitted comments on variances requested for Lots A and C last year. The current plans appear to reflect the revisions prepared in April 2000 for those two lots. As stated in our previous comments, total disturbance on Lots A and C approach 50% of each lot's area. While it is apparent that a variance is necessary for any development on these lots, it is not clear that impacts have been minimized. For example, the proposed dwellings appear to be larger in size than others in the neighborhood.

With regard to development of Lot B, is this lot a properly grandfathered, separate building lot? Lot B contains a large shed and play equipment which has been serving the applicant's property (Lot 68R) which is already developed with a single family home. Under a recent Maryland court case, (*Friends of the Ridge, et. al. v. Baltimore Gas and Electric Company*, 354 Md. 645 (1999)), it was found that when a landowner combines several lots of land into one larger parcel by using contiguous lots to serve a single structure (e.g., using another lot for placement of a shed), the platted lot lines remain for title purposes but by operation of law, a single parcel emerges for zoning purposes. It is not clear in this case that Lot B should be considered a separate building lot because it has been used essentially as a back yard to Lot 68R. This should be examined further. If it is determined that Lot B is a separate, legal buildable lot, this office does not oppose the siting of a single family dwelling on it. The proposed dwelling is smaller in size than the

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Mr. Kevin Dooley

March 6, 2001

Page 2

proposed houses on Lots A or C, though it may still be slightly larger than other homes in the neighborhood.

With regard to the proposed road through the residential building lot, is this a legal means of providing access to these lots? Is it a permissible use of a residential lot? The Critical Area report states that a portion of the existing right-of-way of Bay View Drive has been taken over by a nearby homeowner. It continues in the fourth paragraph to state that "Although the total impervious coverage will be the same as if the right-of-way were used" and it appears that the sentence is incomplete. How will the excessive impervious (much of it in the Buffer) on this lot be mitigated? How will stormwater be addressed for the road?

If the above issues are resolved and if the variances are approved, this office recommends mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer and reforestation at a 3:1 ratio for the remainder of the clearing of Lot 58 and 59. Stormwater management must also be addressed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: AA132-01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0021-V, Joyce Soldwedel

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required and greater impervious coverage than allowed. The property is designated LDA and is currently developed with a single family dwelling and driveway.

This office often does not oppose additions of reasonable size provided that impacts are minimized. The proposed addition is no further waterward than the existing dwelling and the expanded Buffer encompasses the entirety of the existing dwelling. We recognize that any addition to the existing dwelling would require a variance. However, the proposed addition more than doubles the size of the existing house, and together with the circular driveway, result in excessive impervious surfaces on this lot. We do not oppose the variance for the addition within the expanded Buffer, but we recommend that the proposal be redesigned to adhere to the impervious surface limits. This could be accomplished by removing some additional existing impervious or by scaling back the proposed addition. We recommend mitigation to offset the new impervious surfaces in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA81-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0015-V, Christopher & Kathleen Mills

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a shed with less Buffer and setbacks than required and on steep slopes. The property is designated LDA and is currently developed with a single family dwelling and driveway.

Based on the site plan, it is not possible to determine if there are some areas of the property that are steeper than others. It does not appear that the house has an integral garage so some storage may be warranted. If it is possible, we recommend that the shed be placed off of the steep slopes at the appropriate distance from the septic system. For example, it appears that there would be room in the vicinity of the "50" label. Alternatively, there may be a location directly adjacent to the dwelling where a shed may fit. It should also be placed to avoid the removal of any trees. If the requested variance is approved, we recommend mitigation for the disturbance (which is the square footage of the shed, i.e., 80 square feet) at a 3:1 ratio.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA67-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0017-V, Ray & Susan Green

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling and detached garage.

The proposed addition is no further waterward than the existing dwelling and the expanded Buffer encompasses the entirety of the existing dwelling. Also, impervious surfaces are below the allowable amount. Given that it appears that any addition to the existing dwelling would require a variance, this office does not oppose the variance requested. We recommend mitigation to offset the new impervious coverage in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, reading "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA69-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0023-V, Goodman and Lehner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required. The property has a split designation of LDA and RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. This property was the subject of a previous variance request and subsequent approval which had less clearing in the 100-foot Buffer and less impervious coverage than currently proposed. As this office indicated in our comments on the previous variance request, over 40% of the forest on site is proposed to be cleared. It seems that clearing could be reduced. As proposed, mitigation should be provided at a 3:1 ratio for all disturbance on the site. The Buffer should be the priority location for plantings.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA83-01

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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March 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0011-V, Henry Hirsch - REVISED COMMENTS

Dear Mr. Dooley:

This office would like to retract the comments previously submitted on this application and replaced them with this letter and the following comments. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA and is being developed with a new house (to replace an old house). It also contains an existing barn, and several attached and detached accessory structures.

Because there are no habitat protection areas affected by the proposal and because impervious surfaces are not an issue, this office has no comment on the setback variance for the proposed "pool house". Vegetation removed in the course of construction should be replaced in kind.

We would like to raise several issues with the proposed improvements within the 100-foot Buffer however. For example, an additional six feet of concrete decking is proposed on one side of the existing pool, wholly within the Buffer. A variance should be required for this expansion of impervious surface (totaling approximately 360 square feet) within the Buffer. This office could not support such a variance request. Also, it is difficult to determine exactly where the edge of the existing house falls but it appears that the proposed two porches as well as the stone patio in between are also new impervious in the Buffer. The new impervious areas waterward of the existing house require a variance. An effort should be made to minimize new impacts to the Buffer. As proposed, it does not appear that new impacts have been minimized. Additional variances are necessary for this project as proposed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA64-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 6, 2001

**VIA FACSIMILE**

Ms. Charlene Morgan  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0249-V, Valentine and Margaret Schiller - Board of Appeals Comments

Dear Ms. Morgan:

This office has received the revised plans for the above referenced variance case to be heard by the Board of Appeals on March 12, 2001. The applicant is requesting a variance to permit a dwelling on steep slopes with less Buffer and setbacks than required. It is our understanding that the proposed development of this lot has a long history. Most recently, the Administrative Hearing Officer granted the variances necessary for development of this lot, which is the subject of this appeal.

The design of development on this lot is limited by the septic system and its distance requirements. It is our understanding that the County Health Department will not approve innovative systems for new houses (rather, they will only consider them for failing septs for existing houses). While we remain concerned about the short distance between the house and the water as well as the extent of proposed clearing, it appears that alternative designs have been explored and unfortunately rejected due to health department requirements. Barring any innovative septic systems, this office is unaware of possible alternatives for site design. Clearing and grading around the proposed house should be kept to a minimum. The applicant has reduced the size of the proposed dwelling which helps to minimize impacts. If approved, we recommend mitigation at a 3:1 ratio for all disturbance to this site. Mitigation should be located on-site within the Buffer to the extent possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA352-00

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(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 12, 2001

**VIA FACSIMILE**

Ms. Charlene Morgan  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0249-V, Valentine and Margaret Schiller - Board of Appeals Comments  
**REVISED**

Dear Ms. Morgan:

As discussed this morning, we understand that the applicant has again revised the proposed plans for the above referenced case. The applicant is requesting a variance to permit a dwelling on steep slopes with less Buffer and setbacks than required. It is our understanding that the most recent revisions have allowed the house to be moved further back from the water to within 20 feet of the proposed septic system. We are supportive of these further efforts to minimize impacts.

The design of development on this lot is limited by the septic system and its distance requirements. While we remain concerned about the limited distance between the house and the water as well as the extent of proposed clearing, alternative designs have been explored and rejected due to health department requirements. Clearing and grading around the proposed house should be kept to the minimum. The applicant has reduced the size of the proposed dwelling which helps to minimize impacts. If approved, we recommend mitigation at a 3:1 ratio for all disturbance to this site. Mitigation should be located on-site within the Buffer to the extent possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA352-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

March 12, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

Mr. Ace Adkins  
Maryland Department of the Environment  
Non-tidal Wetlands and Waterways  
201 Baptist Street  
Salisbury, MD 21801-4979

RE: 99-NT-2144 (Modification to existing permit)  
Dr. John Routenberg

Dear Mr. Adkins:

Thank you for providing information on the above referenced permit modification. The applicant is requesting a permit to install a water feature on a residential lot. It is our understanding that the original permit was to provide an accessway to the house site. The lot is constrained by non-tidal wetlands, tidal wetlands and numerous Buffers.

This office opposes the requested permit modification. The proposed pond would be located the no-disturbance Critical Area Buffer. The Buffer is required to remain in natural vegetation. Any disturbance within the Buffer beyond a single access point to the house site is not consistent with the Critical Area Criteria (COMAR 27.01.09) and the policies of this office. We recommend that the requested modification be denied so that the Department of the Environment and the Critical Area Commission provide consistent responses to this request.

I was able to visit the site with Wicomico County Planning staff on March 2, 2001. It appears that clearing has occurred beyond that necessary for access. This was discussed with County staff and it is my understanding that the clearing will be mitigated via a Buffer Management Plan at the time of the lot development. This office is recommending mitigation at a 3:1 ratio for all clearing within the Critical Area 100-foot Buffer. The area of the requested "pond" is one such area that should be re-planted to restore it to a forested wetland.

Thank you for coordinating with our office on this request. Please keep this office informed of your decision on this request prior to notification to the applicant. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Frank McKenzie

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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March 12, 2001

Ms. Tanya Krista-Maenhardt  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Eastern Bay Antiques - Minor Site Plan  
MISP 05-01-03-0001(c)**

Dear Ms. Maenhardt:

Thank you for providing information on the above referenced project. The applicant is proposing to construct a storage building on an existing lot. The site is designated LDA and is currently developed with a house, a commercial building and associated parking.

Based on the information provided, this office has several comments on the proposed storage building. First, the site plan shows the 30 foot by 50 foot storage building to be located at the edge of existing woods. In order to minimize any potential impact on Delmarva Fox Squirrel habitat, we recommend that the proposed building be moved forward (i.e., towards Main Street), perhaps in the vicinity of the existing shed. Second, while there appears to be garage doors on the proposed storage building, there is no driveway up to the building shown on the site plan. It is likely that the addition of a driveway will increase impervious surfaces beyond the 15% limit. Such an increase will require a variance or require growth allocation to change the designation of this lot to IDA. We recommend that the storage building be placed in close proximity to the existing commercial building such that an additional driveway would not be necessary. (Please note, use of a lawn as a driveway -- especially in a commercial situation - will eventually create an impervious surface that should be counted toward impervious surface totals.)

Thank you for the opportunity to comment. If the plans change or if additional information is provided, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC149-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 13, 2001

Ms. Cathy Maxwell  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

RE: Chesapeake Church of Christ  
Board of Appeals Case CU-020011

Dear Ms. Maxwell:

Thank you for providing information on the above referenced application for a conditional use and impervious surface variance. The applicant is requesting a conditional use approval for expansion of an existing church as well as a variance to exceed the 15% impervious surface limitation on the property. The property is 1.75 acres in size and is designated LDA. It is currently developed with a church and parking lot.

This office has no comment on the conditional use application. With regard to the variance, this office can not support the request to exceed permitted impervious surface limitations (up to 26.6%) over what already exists on the property (24.2%). (It is not clear why and how the impervious surface limitations have already been exceeded.) We recommend that the applicant pursue growth allocation to change the site to IDA. There are no impervious surface limitations in the IDA and stormwater management would be required to reduce pollutant loadings by 10%. This site is located at the headwaters of Winchester Creek and stormwater management should be provided to treat all impervious areas of the site.

Also, please note, the application incorrectly states that the site is permitted 50% imperviousness. This is incorrect. While the underlying zoning may permit this amount, the Critical Area overlay is more strict (i.e., it is limited to 15%) and therefore supercedes the allowances of the NC-8 zone. Also, the application does not address replacement of the cleared forest area as required by Section 14-138(d)(6) of the County's Zoning Ordinance. This information should be provided.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler

Natural Resources Planner

cc: QC141-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 12, 2001

Mr. Steve Cohoon  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Safeway Food Store - Concept Plan  
CP 04-0012-0016(c) - Revision #1**

Dear Mr. Cohoon:

Thank you for providing Revision #1 of the concept plan for the above referenced project. The applicant is proposing to construct a food store, retail space, a gas station and a connection to an adjacent shopping center. The site is designated IDA and is currently an agricultural field with a small residential structure.

Because the site is designated IDA, the Critical Area issue of concern is the 10% pollutant reduction requirement. When they are available, please provide the 10% pollutant reduction calculations and stormwater plans to this office for review. If the 10% rule is adequately addressed, it appears that the proposal would be consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. Please provide the information requested when it is available. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC662-00

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 13, 2001

Ms. Cathy Maxwell  
Queen Anne's County  
Department of Planning & Zoning  
107 North Liberty Street  
Centreville, Maryland 21617

**RE: Conditional Use Case No. CU-020012 (Norman A. Willox, Jr.)**

Dear Ms. Maxwell:

Thank you for providing information on the above referenced conditional use application. The applicant is requesting a conditional use approval to construct a 320 foot pier. The property is 4.19 acres in size and is currently being developed with a single family dwelling.

This office defers to the Maryland Department of the Environment on pier issues. Any local approval should be conditioned on final approval of a permit from MDE.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC142-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
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March 13, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0062-V, Peter and Elizabeth Van Dine

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a single family dwelling to be razed and re-built. The property is Buffer-exempt.

This office does not oppose redevelopment of this lot. Ideally, a new house would be placed outside of the Buffer and the Buffer would be re-established with forest vegetation. However, it appears that there will be no clearing of forest vegetation and a reduction in overall impervious surfaces. The new house is located primarily on the existing house footprint but does expand to provide a garage. The new portion of the house does not intrude further into the Buffer than the existing house. Provided that new impervious areas are mitigated in accordance with the County Zoning Ordinance, this office does not oppose the variance requested. Areas where impervious surfaces are removed should be revegetated to ensure perviousness.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, reading "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA120-01

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Chairman



Ren Serey  
Executive Director

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March 13, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Special Exception Case No. 2000-0455-S, Les Jenkins Family Fun Park

Dear Mr. Dooley:

Thank you for providing information on the above referenced special exception application. The applicant is requesting a special exception to permit an amusement park in a C4 District. The property has a split designation with 15.117 acres of IDA and 8.588 acres of RCA. According to the information provided, the site was formerly used as a golf driving range.

Amusement parks are not a permitted use in the RCA. All development activity associated with the park would have to remain outside of the Critical Area or within only the IDA portion of the site. Growth allocation will be necessary if any portion of the proposed development is located within the RCA on the property. Provided that all development activity be located out of the RCA, this office has no comment on the special exception application. Development in the IDA would require compliance with the 10% Pollutant Reduction requirement. If the project moves forward, plans should be provided to this office for site plan review.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this special exception. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeArne Chandler".

LeeArne Chandler  
Natural Resources Planner

cc: AA123-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

March 19, 2001

Ms. Tanya Krista-Maenhardt  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Countryside Builders, Inc. - Final Site Plan - Revision #1  
MASP 05-0011-0001(c)**

Dear Ms. Maenhardt:

Thank you for providing the revised information on the above referenced site plan. The applicant is proposing to construct an office building with associated parking. The property is 0.347 acres in size and is currently developed with a dwelling and two sheds which would be demolished. The property is designated IDA and is in a designated Buffer Exemption Area.

The revisions provided have reduced the amount of impervious surfaces proposed, including the total impervious proposed within the Buffer. The exit driveway has been moved outside of the 100-foot Buffer as previously suggested. Rather than paying a fee-in-lieu of on-site stormwater management, a stormwater management pond is now proposed. Ideally, it would be located out of the 100-foot Buffer, though a pond is certainly better than a parking lot. We have noted that the letter from McCrone states that the pond has been designed to handle 1 1/2" of runoff from the proposed impervious area, though revised calculations were not provided to our office.

We recommend that all limits of disturbance remain outside of the 50-foot shore buffer. (While the property is within a BEA, the reduced shore buffer should be protected as any other Buffer, with no disturbance permitted without a variance.) Also, we recommend that some of the required larger (i.e., rather than whips) trees be planted within the Buffer rather than just along the parking lot and road. This will provide more immediate habitat and water quality benefits along the shoreline.

Thank you for the opportunity to comment. If substantial changes are made to the project as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC574-00

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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March 19, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0043-V, Michael Reisinger

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The previous variance was granted for construction of a house and driveway on steep slopes. The property is designated LDA and is currently undeveloped.

Provided that the conditions of the previous approval are met, this office has no objection to the extension in time request.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA97-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 19, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variances 2001-0064-V and 2001-0065-V, Randal Scholl

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting two variances to permit dwellings and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The properties are designated LDA and appear to be currently undeveloped.

Provided these lots were existing as two separate, properly grandfathered lots prior to the lot line adjustment, this office does not oppose the siting of single family dwellings on them. A site plan clearly showing the existing lot line locations as well as prior acreages for each lot would have been helpful in reviewing the application. Also, a plan showing the limits of grading would also have been helpful as it relates to total impact to steep slopes. We have no comment on the side yard setback variance being sought for Lot 1A. We do not oppose the necessary improvements for the driveway or septic lines crossing steep slopes, provided proper sediment and erosion controls are provided and that reforestation is required at the appropriate ratio.

With regard to the proposed improvements on Lot 1A, it appears that the house could be redesigned to reduce impacts to steep slopes. Also, there is no driveway approaching any part of the proposed house, nor is there a parking area proposed. Where will the owners park? The amount of impervious as proposed is approaching the 15% limit and the addition of a driveway and/or parking area will likely necessitate a variance to the impervious surface limits. This office could not support such a request because it could be avoided by redesigning the house. Again, we recommend that the applicant redesign to reduce impervious (while providing a parking spot) and to reduce impacts to steep slopes on Lot 1A. Reforestation should be provided at the appropriate ratio for all clearing.

With regard to Lot 2A, again, the house should be redesigned to eliminate all direct impacts to steep slopes. As proposed, only a portion of the front porch appears to intrude on the slopes and this could be avoided. As with Lot 1A, there is no driveway or parking area in front of the house. Where will the owner park? The proposed driveway should be shown on the site plan. We recommend that the house be redesigned to eliminate the disturbance to steep slopes. It appears that this could be done by slightly shifting the house and pulling it a little further away from the water. Changing the footprint may also be an option. Reforestation should be provided at the appropriate ratio for all clearing.

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Mr. Kevin Dooley  
March 19, 2001  
Page 2

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variances. Also, please notify the Commission in writing of the decision made in these cases.

Sincerely,

A handwritten signature in cursive script, appearing to read "LeeAnne Chandler", followed by a horizontal line.

LeeAnne Chandler  
Natural Resources Planner

cc: AA121-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 19, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0048-V, Ronald Gardner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped. The lot is **not** Buffer Exempt.

The Critical Area report provided with the application does not recognize that the lot is waterfront and that significant disturbance is proposed within the 100-foot Buffer. Provided the lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. As proposed, this office opposes the variances requested. There has been no attempt to minimize intrusion into the Buffer and to reduce steep slope and overall site disturbance. We recommend that the applicant redesign to reduce impacts including bringing the dwelling up to the front building restriction line. Other suggested options include reducing the footprint of the dwelling, incorporating the garage into the house and further minimizing grading. Reducing overall disturbance below 5000 square feet would perhaps eliminate the need for a stormwater management device, allowing an even further reduction in impact. While we recognize that some variance may be necessary to develop this lot with a dwelling, the current request far exceeds the minimum.

Thank you for the opportunity to comment. If revised information becomes available, please forward it to this office for further review and comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA99-01

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Executive Director

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March 19, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0055-V, Costello

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer and with disturbance to steep slopes on a newly created lot. The parent parcel is designated LDA and is developed with a large waterfront dwelling. The lot is proposed to be split into two, to allow construction of another dwelling.

This office can not support variances on non-grandfathered lots. The subdivision of this property raises several concerns. First, the parent parcel was recently developed with a large waterfront dwelling, located less than 50 feet from the water (according to the site plan) under the Buffer Exemption provisions. Now that the dwelling is built, a subdivision is proposed which removes the Buffer Exempt status and creates another lot which requires a variance in order to be developed. This raises concerns because the lot should have been developed with the dwelling out of the Buffer if possible in the first place. It is not clear why the dwelling was built so close to the water.

Second, how much clearing occurred with development of the existing house? The Critical Area report states that 52,988 square feet of the parent parcel is forested (80%) but it may have been completely forested prior to construction of the existing dwelling. In fact, the note shown on the site plan shows a large area on Lot 1 labeled "Woodlands cleared during construction." Total clearing (that which occurred during construction of the existing dwelling as well as the proposed dwelling) may be close to 30%. As with the impervious surface totals, total clearing on the whole parent parcel should be calculated and mitigated at the appropriate ratio. The one-to-one replacement as suggested in the Critical Area report is not correct.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variances. Also, please notify the Commission in writing of the decision made in these cases.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA115-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 19, 2001

Ms. Pam Miley  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0047-V, Kenneth Gardner

Dear Ms. Miley:

This office has received the information provided on the above referenced variance request. It is the same request as Variance Case No. 1999-0334-V under the applicant name of Joseph and Judy Crawford. The previous request was granted approval with conditions, though I understand that the previous approval has expired. The position of this office remains as conveyed in our comments on Variance Case No. 1999-0334-V. Please submit this letter and our previous letter with attachment (enclosed) to the record for the current variance request. Also, please notify the Commission in writing of the decision made in this case.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

enclosure

cc: AA98-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 21, 2001

Ms. Sue Ann Hyer-Morgan  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Love Point Road Limited Partnership - Concept Plan  
CP 04-01-03-0002(c)**

Dear Ms. Hyer-Morgan:

Thank you for providing the concept plan for the above referenced project. The applicant is proposing to construct a 90-room hotel and associated parking on a 2.7 acre parcel. The site has 2.487 acres within the Critical Area (designated IDA) and is currently undeveloped. It appears that a subdivision involving relocation of lot lines will also be necessary in order for the project to proceed as proposed.

First, with regard to the site plan, the environmental features that are located primarily on Lot 334 should be better identified. For example, the stream and its 100-foot Buffer should be labeled as such, along with a better depiction of the non-tidal wetlands and the wetland buffer. (These features were much easier to identify on plans submitted in 1996 for the Stevensville Professional Center.)

That being said, the Critical Area issues of concern are the 10% pollutant reduction requirement and protection of the Buffer, stream and wetlands. In reviewing the file for the Stevensville Professional Center, it appears that the 10% calculations and the stormwater pond were based on a total area of 5.712 acres in the Critical Area portion of the site. This does not appear to be correct as there are only 5.26 acres within the Critical Area portion based on the site statistic notes. The calculations were based on a total proposed impervious of 3.572 acres (within the Critical Area). The proposed hotel would add 1.35 acres of impervious (mostly, though not all, within the Critical Area) so it appears that the existing stormwater pond may be sufficient to meet the 10% requirement. For clarification, revised 10% calculations should be provided. Also, in reviewing the 10% calculations and specifically, the BMPs provided, it states that both the wet pond and the grassed swale would serve the entire drainage area. Where on site is the grassed swale? Does the grassed swale lead into the wet pond? If this is the case, the calculations should have been completed as BMPs in a series, which is different than what appears on the worksheet. Please provide updated and corrected information regarding the stormwater management calculations.

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Ms. Sue Ann Hyer-Morgan

March 21, 2001

Page 2

Provided that updated stormwater information is provided and that the 10% requirement is adequately addressed, it appears that the proposed project would be consistent with the County's Critical Area Program. We would like to note however, that if the project and adjustment of lot lines occurs, the development on Lot 334 will not be possible as originally envisioned in 1996. All Buffers must be protected during development of that Lot.

Thank you for the opportunity to comment. Please provide the information requested when it is available. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in dark ink and is positioned above the printed name.

LeeAnne Chandler

Natural Resources Planner

cc: QC148-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 23, 2001

Ms. Tanya Krista-Maenhardt  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Narrows Point - Concept Plan - Revision #2  
CP 05-0011-0003**

Dear Ms. Krista-Maenhardt:

This office has received Revision #2 for the Narrows Point concept plan. The applicants propose 38 units, associated parking and stormwater facilities on a 15.52 acre site. The site has a split Critical Area designation, with 6.807 acres in the IDA and 8.712 acres in the LDA. Since our meeting of March 6, 2001, some changes were made to the proposed plans. This office has reviewed the revised plans and narrative information provided and we have the following comments:

1. While there have been some minor reductions in overall impervious surfaces, this office remains concerned about the intensiveness of the proposed development and the amount of Buffer intrusion. The County's Buffer Exemption regulations include provisions which require a property owner to avoid development within the BEA unless the Planning Director finds that there is no feasible alternative and that **the intrusion into the Buffer is the least necessary** (§14-153(d)(1)) [emphasis added]. Fewer units would allow more flexibility in the layout of the development and would significantly reduce the Buffer intrusion. While the applicant states that the development site would allow 124 units, such density is subject to the other requirements of the Zoning Ordinance, including minimizing Buffer intrusion.
2. Of particular concern is not only the overall Buffer intrusion but also the intrusion into the reduced 50-foot shore Buffer. (Please note: the 50-foot Shore Buffer is not clearly labeled or shown on the marina side of the peninsula on Sheets 3 and 4. Also, the 50-foot Buffer is not marked in the area across the road from Unit 20, in the vicinity of the guest parking areas. This should be corrected.) As stated in our previous comments, all new development activity, including the new road, should be located outside of the 50-foot Buffer. We recognize that there is already some impervious surface within the 50-foot Buffer but as proposed there is a net increase of imperviousness in this area. We recommend that the proposal be further minimized.

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3. We recognize that the applicant is waiting for a jurisdictional determination before preparing a site plan showing the surveyed wetland boundaries. However, as the project continues through the County's review process, all interested parties should be made aware that the project may need significant revisions due to the location of the wetland boundaries.
4. Quantified information on proposed clearing and grading should be provided.
5. The applicant states that "based on initial grading calculations, approximately 10,000 cubic yards of material will be excavated from the dredge spoils area and placed in the flood plain limits of the site." Given that the whole site was used to dispose of dredge spoils, where is the fill coming from? Off-site? Will it be affecting any wetlands or Buffers? Have any permits been applied for? This information should be provided.
6. If this project receives concept approval and moves forward with the site plan review process, when available, please provide our office with a copy of a detailed Buffer planting plan for the shore buffer plantings. A naturalized Buffer of mixed vegetation (shrubs, shore grasses, and trees) is recommended for the entire site.
7. Understanding that the applicant has requested a variance to disturb the steep slopes on site, a variance to disturb steep slopes does not eliminate the need to expand the Buffer for steep slopes. Mitigation should be calculated based on the expanded Buffer. (As stated previously, the site plans provided do not show the limits of steep slopes so it is difficult to determine extent, if any for Buffer expansion.) We recommend that the County require mitigation for impacts to the Buffer for the stormwater management facilities.
8. With regard to the waterfowl staging area offshore of the property and the future condition of the Buffer, the applicant stated that a strip of the existing phragmites could be maintained along the shoreline. Commission staff will consult with waterfowl experts at the Department of Natural Resources to determine the best course of action.
9. We recommend that the parking be reduced to the minimum required by County code. Over 4 spaces for each unit is excessive and does not demonstrate a minimization of impervious surfaces.
10. Please provide our office with a copy of the stormwater calculations and plans as early as possible in the review process.

Thank you for the opportunity to comment. If you have any questions regarding the comments above or would like to discuss any if further detail, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: QC594-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

March 23, 2001

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Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case Nos. 2001-0071-V and 2001-0072-V, Frank G. Scholley

Dear Mr. Dooley:


Thank you for providing information on the above referenced variance applications. The applicant is requesting variances to permit two dwellings and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The properties (Lots 2 and 3) are designated LDA and are currently developed with houses that will be removed and replaced. Based on the maps in our office, it appears that the lots are Buffer Exempt.

This office does not oppose redevelopment of these lots. Impacts should be minimized and the variances requested the minimum to provide relief. Ideally, the new homes would be pulled further away from the water, perhaps up to the building restriction line. It does not appear that the new homes will intrude any further into the Buffer than the existing homes and impervious surfaces will not increase. The homes are of modest size. The only new impact of concern is the two new septic systems to be placed in the Buffer. Where are the existing systems? We recommend that the system for Lot 3 be moved closer to the road, out of the 100-foot Buffer if possible. Also, for Lot 2, would it be possible to place the system in the side yard (between the two houses) if the house on Lot 3 were moved northward a bit? Impacts from the septic systems should be minimized as much as possible.

If approved, we recommend mitigation for areas of new impervious surface on these Buffer Exempt lots in accordance with the Zoning Ordinance. We also recommend mitigation for the footprint of disturbance for the new septic systems in the Buffer at a 2:1 ratio. The areas where impervious surfaces are removed and the Buffer should be priority locations for mitigation.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA135-01  
AA136-01

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

March 26, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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Mr. Steve Cohoon  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Grasonville Station, LLC - Final Site Plan - Revision #3  
MASP 05-0010-0008(c)**

Dear Mr. Cohoon:

Thank you for providing Revision #3 of the above referenced site plan. The applicant is proposing to combine four (4) lots of a recently approved commercial subdivision and construct two commercial buildings and associated improvements. The site is designated LDA and is currently undeveloped.

It does not appear that this revision has had any effect on the proposal as it related to Critical Area requirements or resources. As proposed, there are 0.132 acres of impervious surfaces proposed within the 1.62 acres of Critical Area on these lots. This is approximately 8% imperviousness which is below the LDA limit of 15%. With the maintenance of the existing woodland on Lot 9, along with the proposed landscaping, the LDA afforestation/reforestation requirements are met. It appears that the project is consistent with the County's Critical Area Program and we have no further comments on this site plan at this time.

It is our understanding that growth allocation will be requested for the Critical Area portion of the entire Grasonville Station property to redesignate it from LDA to IDA. As you are aware, within the IDA, the 10% pollutant reduction requirement is the primary Critical Area concern. Under separate cover (because it relates to the growth allocation petition rather than just the development on Lots 6 through 9), this office will be submitting comments related to the 10% pollutant reduction calculations and plans for the stormwater management pond provided with this revision.

Thank you for the opportunity to comment. If changes are made to the project as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC559-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

March 26, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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Mr. Steve Cohoon  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Grasonville Station, LLC - 10% Compliance/Stormwater Management Review  
MASP 05-0010-0008(c)**

Dear Mr. Cohoon:

Thank you for providing the stormwater management calculations and plan showing the stormwater management pond for the proposed Grasonville Station development. Commission staff has reviewed the information provided. In reviewing the information, it was found that the calculations are not consistent with the guidelines provided in 10% Guidance documents ("Urban Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical Area in Intensely Developed Areas"). For your information, attached please find revised 10% worksheets for this project. Below is a description of the inconsistencies:

1. First, in Worksheet A, site acreage (A) refers to the area of the development site in the Critical Area. Similarly, when calculating pre- and post- percentages of impervious surfaces, only those areas within the Critical Area portion of the site should be considered. In this project, "A" is 5.01 acres, with 0% pre-development imperviousness and 80% (based on maximum allowed under the zoning ordinance at buildout) post-development imperviousness.
2. Pre-development load ( $L_{pre}$ ) for this project is  $(.5)(A) = 2.5$  lbs.
3. Post-development load ( $L_{post}$ ) for this project is 8.18 lbs. rather than the 22.54 lbs. as listed.
4. The revised pollutant removal requirement (RR) is 5.93 lbs.
5. Two BMPs are proposed, though the total load removed is not the sum of each BMP efficiency times  $L_{post}$ . Rather, because the BMPs are in a series (that is, the grassed swale leads to the wet pond) a different equation must be used. This is described on page 8 of the Plan Reviewers Guide in the series of guidance documents. The total load removed by the proposed swale/pond is 5.56 lbs. This does not meet the RR. However, because the pond is also treating runoff from outside of the Critical Area, credit is given in accordance with Worksheet B. Worksheet B is located on page 23 of the Applicant's Guide and on page 21 of the Plan Reviewer's Guide.

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Mr. Steve Cohoon  
March 26, 2001  
Page 2

6. In Worksheet B, "offsite acreage to be treated by onsite BMP" is the remainder of the Grasonville Station project which will drain to the proposed stormwater facilities. Based on a total project area of 13.798 acres, 8.79 acres are outside of the Critical Area but draining to the proposed pond. Imperviousness will be a maximum of 80%. The Lpost for outside of the Critical Area is 14.35 lbs. Calculating the load removed by the BMP in a series is done via the same equation as described in 5 above. The load removed for the area outside of the Critical Area is 9.76 lbs.
7. The total load removed is equal to the load removed on-site (from step 5 in Worksheet A) plus load removed offsite (from step 3 in Worksheet B). For this project, 5.56 lbs removed on-site plus the 9.76 lbs. removed offsite is greater than the 5.93 lb. removal requirement so the 10% requirement is adequately addressed.

Based on the revised calculations, it appears that the proposed development of Grasonville Station would be consistent with the IDA requirements. We do have a question regarding the claimed efficiency values for the BMPs. The efficiency value listed on the submitted worksheet for the swale is 0.20 corresponding to treatment of the ½ inch of runoff while the efficiency value for the wet pond is 0.60 corresponding to treatment of the first 1 ½ inches of runoff. Given that they are in a series, what accounts for the difference? This should be clarified. Also note that consistency with the 10% calculations in the Critical Area should be considered separately from stormwater management outside of the Critical Area. Appropriate approvals should be obtained for stormwater management on the remainder of the site from the local approving agency.

Thank you for the opportunity to review the stormwater management information. If you have any questions regarding the comments above or the revised calculations, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: Ms. Eva Kerchner, Dept. of Public Works  
Mr. Tom Davis, McCrone, Inc.  
QC559-00



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 23, 2001

Ms. Tanya Krista-Maenhardt  
Department of Planning & Zoning  
Queen Anne's County  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Narrows Point - Concept Plan - Revision #2  
CP 05-0011-0003**

Dear Ms. Krista-Maenhardt:

This office has received Revision #2 for the Narrows Point concept plan. The applicants propose 38 units, associated parking and stormwater facilities on a 15.52 acre site. The site has a split Critical Area designation, with 6.807 acres in the IDA and 8.712 acres in the LDA. Since our meeting of March 6, 2001, some changes were made to the proposed plans. This office has reviewed the revised plans and narrative information provided and we have the following comments:

1. While there have been some minor reductions in overall impervious surfaces, this office remains concerned about the intensiveness of the proposed development and the amount of Buffer intrusion. The County's Buffer Exemption regulations include provisions which require a property owner to avoid development within the BEA unless the Planning Director finds that there is no feasible alternative and that **the intrusion into the Buffer is the least necessary** (§14-153(d)(1)) [emphasis added]. Fewer units would allow more flexibility in the layout of the development and would significantly reduce the Buffer intrusion. While the applicant states that the development site would allow 124 units, such density is subject to the other requirements of the Zoning Ordinance, including minimizing Buffer intrusion.
2. Of particular concern is not only the overall Buffer intrusion but also the intrusion into the reduced 50-foot shore Buffer. (Please note: the 50-foot Shore Buffer is not clearly labeled or shown on the marina side of the peninsula on Sheets 3 and 4. Also, the 50-foot Buffer is not marked in the area across the road from Unit 20, in the vicinity of the guest parking areas. This should be corrected.) As stated in our previous comments, all new development activity, including the new road, should be located outside of the 50-foot Buffer. We recognize that there is already some impervious surface within the 50-foot Buffer but as proposed there is a net increase of imperviousness in this area. We recommend that the proposal be further minimized.

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(410) 822-9047 Fax: (410) 820-5093

Ms. Tanya Krista-Maenhardt

March 23, 2001

Page 2

3. We recognize that the applicant is waiting for a jurisdictional determination before preparing a site plan showing the surveyed wetland boundaries. However, as the project continues through the County's review process, all interested parties should be made aware that the project may need significant revisions due to the location of the wetland boundaries.
4. Quantified information on proposed clearing and grading should be provided.
5. The applicant states that "based on initial grading calculations, approximately 10,000 cubic yards of material will be excavated from the dredge spoils area and placed in the flood plain limits of the site." Given that the whole site was used to dispose of dredge spoils, where is the fill coming from? Off-site? Will it be affecting any wetlands or Buffers? Have any permits been applied for? This information should be provided.
6. If this project receives concept approval and moves forward with the site plan review process, when available, please provide our office with a copy of a detailed Buffer planting plan for the shore buffer plantings. A naturalized Buffer of mixed vegetation (shrubs, shore grasses, and trees) is recommended for the entire site.
7. Understanding that the applicant has requested a variance to disturb the steep slopes on site, a variance to disturb steep slopes does not eliminate the need to expand the Buffer for steep slopes. Mitigation should be calculated based on the expanded Buffer. (As stated previously, the site plans provided do not show the limits of steep slopes so it is difficult to determine extent, if any for Buffer expansion.) We recommend that the County require mitigation for impacts to the Buffer for the stormwater management facilities.
8. With regard to the waterfowl staging area offshore of the property and the future condition of the Buffer, the applicant stated that a strip of the existing phragmites could be maintained along the shoreline. Commission staff will consult with waterfowl experts at the Department of Natural Resources to determine the best course of action.
9. We recommend that the parking be reduced to the minimum required by County code. Over 4 spaces for each unit is excessive and does not demonstrate a minimization of impervious surfaces.
10. Please provide our office with a copy of the stormwater calculations and plans as early as possible in the review process.

Thank you for the opportunity to comment. If you have any questions regarding the comments above or would like to discuss any if further detail, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: QC594-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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March 27, 2001

Mr. Roby Hurley  
Maryland Dept. of Planning  
201 Baptist Street, Suite 24  
Salisbury, Maryland 21801-4974

RE: Bozek, Inc., Town of Centreville

Dear Mr. Hurley:

Thank you for providing information on the above referenced project. The applicant is proposing to redevelop an IDA site with 16 townhomes in the Town of Centreville. Commission staff has reviewed the information provided, including the required 10% pollutant reduction calculations. We have the following comments:

1. With regard to the bioretention area, a site plan showing the limits of the area draining to the BMP would be helpful (i.e., it is difficult to assess exactly how much of the parking lot will sheet flow into the pond). Additional detail on the bioretention area would be helpful. For example, how was the efficiency rating of 25% determined?
2. In the 10% calculations, step 5 indicates that the grassed swale will be treating 16% of the site area while the site plan indicates the drainage area to the swale as 0.07 acres or approximately 5% of the site area. This should be clarified and corrected if necessary. If only 5% of the site is being treated by the swale, the load removed by it is decreased to 0.08 lbs. This increases the deficit to 1.82 lbs which increases the fee-in-lieu.
3. We recommend the use of only native species of trees and shrubs in landscaping the site.

Thank you for the opportunity to comment on this project. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: CV143-01

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Chairman

Ren Serey  
Executive Director

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March 27, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0021-V, Joyce Soldwedel - Revised Plans

Dear Mr. Dooley:

This office is in receipt of revised plans for the above referenced variance. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required and greater impervious coverage than allowed. The property is designated LDA and is currently developed with a single family dwelling and driveway.

As stated in our previous comments, this office often does not oppose additions of reasonable size provided that impacts are minimized. We do not oppose the variance for the addition within the expanded Buffer due to the constraints of the site. We recognize that the proposal has been modified to reduce impervious surfaces. However, we can not conclude that opportunities to minimize impervious surfaces have been exhausted. We recommend a further reduction of 119 square feet to eliminate the need for the impervious surface variance. Ideas include reducing the width of the driveway, using porous "pavers" for the driveway (subject to County approval, sometimes up to 40% pervious credit can be given), or by scaling back the proposed addition. We recommend mitigation to offset the new impervious surfaces in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA81-01

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Judge John C. North, II  
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Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 30, 2001

Mr. Kenneth L. McLawhon, Town Manager  
4195 Indian Head Hwy.  
Indian Head, MD 20640

RE: Revised Critical Area Map

Dear Mr. McLawhon:

Commission staff has received a copy of a revised Critical Area map dated 3/7/2001 for the Town of Indian Head from Redman/Johnson Associates, Ltd. I have reviewed the map provided and it appears to be correct. It is based on the map approved with the Town's original Critical Area Program with two changes. One is the redesignation of the Robinson Terminal Property to an Intense Development District and the other reflects the annexation in the southeastern part of Town which occurred in the early 1990's.

Provided that the Town has no further concerns regarding the Critical Area map, we recommend that Redman/Johnson provide the Town with at least two copies of a large version of this map for Mayor and Town Council approval. In order to satisfy the condition placed on the approval of the Town's new Critical Area Program, one copy should be forwarded to this office for our use and files.

Please forward the approved map when it is available. If you have any questions or if you would like to discuss this matter further, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Anthony Redman, Redman/Johnston Associates

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Chairman



Ren Serey  
Executive Director

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March 30, 2001

Ms. Cathy Maxwell  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Variance Case No. V-030005, Fisherman's Crab Deck

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance from the rear and side yard setbacks to permit extension of a roof line over areas of existing deck. Information provided indicates that there will be no increase in impervious area, implying that the existing "decks" are already impervious. If this is not the case, please provide further clarification.

Because this property is designated IDA, a 10% pollutant reduction is required under Section 14-137 of the County Code. Information should be provided on how this requirement will be addressed, including the 10% calculations. If this requirement is met, this office has no further comment on the setback variance.

Thank you for the opportunity to review this variance request. Please include this letter in your file and submit it as part of the record. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC172-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 30, 2001

Ms. Cathy Maxwell  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Variance Case No. V-030004, Kentmorr Restaurant

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to construct a roof over an existing concrete patio and toilet facilities on top of an existing pool deck within the Buffer. The property is designated LDA and is currently developed with a marina and restaurant and associated parking. Existing impervious surfaces exceed the 15% permitted in an LDA and total nearly 28% of the site.

With regard to the roof over the existing patio, this office does not oppose the variance requested because there will be no increase in impervious surface. However, we do recommend that runoff from the roof be directly away from the water and be managed in some way.

With regard to the proposed toilet facilities, ideally, as a non-water dependent facility, they would be located out of the Buffer. If possible, we recommend that the existing facilities in the restaurant be expanded rather than constructing a separate building within the Buffer. Will the additional toilet facilities necessitate additional drainfields or is sewer available? This should be clarified. If approved, we recommend mitigation at a 3:1 ratio for all disturbance within the Buffer.

Thank you for the opportunity to review this variance request. Please include this letter in your file and submit it as part of the record. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, reading "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC171-01

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Judge John C. North, II  
Chairman



Ren Serey  
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March 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case Nos. 2001-0083-V and 2001-0084-V, Jacqueline Yates

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting a variance to permit a sewer line with disturbance to a wetland buffer for Lot 2 and a variance to permit a driveway with disturbance to a wetland buffer for Lot 4. The properties have a split designation of LDA and RCA and are currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, in the Jurisdictional Determination provided with the application, it states that, "The Waters of the United States present at the site are part of a tributary system to waters identified in B-E above." This indicates that the wetlands on site may actually be a tributary stream. Tributary streams within the Critical Area require a 100-foot Buffer. Any disturbance within the Critical Area Buffer requires a variance and the current application does not include the disturbance within the full 100-foot Buffer to the potential stream. This issue should be resolved prior to taking this application any further. Design of the development on these two lots may require modification in order to minimize impacts to the 100-foot Buffer.

Thank you for the opportunity to comment. Please provide additional information on the stream and a revised site plan as necessary. If you have any questions or if you would like assistance with field determination of the status of the stream, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA160-01

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(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0075-V, Kathy & Arthur Piera

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a shed addition to a dwelling with less setbacks and Buffer than required. The property is designated RCA and a house is currently under construction.

According to the information provided, the house under construction is actually reconstruction of an existing house. Ideally, space for the utilities should be incorporated into the existing footprint of the house. It is not clear why the shed addition is placed in its proposed location. Placing it on the other side of the house, while still within the Buffer, would be 40 feet further away from the water. Also, it seems to be located almost on top of an existing septic tank. Has this septic tank been removed? If possible, we recommend that the shed be removed and the utilities be incorporated into the existing house. If approved, we recommend mitigation at a 3:1 ratio for the additional disturbance within the Buffer.

Also, while not the subject of this variance request, why are there two septic systems associated with the house under construction? The pool house was labeled as a garage on previous plans. Is the pool house an additional dwelling unit with a separate septic system?

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA139-01

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Ren Serey  
Executive Director

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March 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0077-V, Herbert & Shirley Clark

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and stormwater management device with less setbacks and buffer than required and on steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested the minimum to provide relief. As proposed, there is some direct impact to the expanded Buffer to the stream and to steep slopes. If possible, we recommend that the stormwater management device be moved to the eastern side of the driveway to reduce the limits of disturbance on the steep slopes. We recommend mitigation at a 3:1 ratio for all disturbance within the expanded Buffer. The Buffer to the stream requires expansion of four feet for every percent of slope or to the top of the slope, whichever is greater in extent. While not shown on the site plan, it appears that the entire lot is within the expanded Buffer based on the steepness of the slopes.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA140-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 30, 2001

Ms. Sue Ann Hyer-Morgan  
Queen Anne's County  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Gibson's Grant/White's Heritage Ptsp. - Concept Plan - Revision #1  
CP #04-0011-0007(c)**

Dear Ms. Hyer-Morgan:

This office has received the information for Revision #1 of the concept plan for Gibson's Grant. The applicant proposes to create a traditional neighborhood development containing 750 dwelling units in various forms. The parcel is 138.6 acres in size, with 103.3 acres in the Critical Area. The Critical Area portion of the property is partially LDA and partially RCA. The LDA designation on 70.8 acres is a result of growth allocation granted partially in the interim period prior to the County's Program adoption (approximately 51 acres) and partially in 1996 when the Kent Island Golf Club was proposed (approximately 20 acres). This proposal calls for a redesignation of the LDA to IDA and for growth allocation for 31.18 acres to change part of the RCA to IDA. Commission staff has reviewed the information provided and we have the following comments:

**Buffers**

1. A 100-foot Buffer is now shown around the pocket of wetlands on the eastern side of the existing driveway at the headwaters of Macum Creek indicating that these wetlands are in fact tidal. However, the County's required 300-foot shore Buffer is not shown around these wetlands. The 300-foot Buffer should be shown in this area. It appears that "Street C" will be located within the 300-foot Buffer. As stated in our previous letter, in order to protect the sensitive nature of Macum Creek, Commission staff recommends that the 300-foot shore Buffer be maintained along the entire creek shoreline including the fringing tidal wetlands.
2. Commission staff notes that most of the lots have been moved out of the 300-foot shore Buffer; however, stormwater management ponds and active recreation areas (and perhaps roads as described in Comment #1 above) are still proposed within this area. As stated previously, and based on conditions placed on the approval of growth allocation for the Four Seasons project, Commission staff recommends that all development activity be eliminated from the full 300-foot setback/shore Buffer to Macum Creek. This would significantly

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reduce the growth allocation necessary for this project, conserving more of the County's growth allocation for other projects.

3. Justification for reduction of the shore buffer along the Chester River and Macum Creek should be provided.
4. Commission staff notes the proposed impervious 7-foot wide pedestrian trail extending from Riverside Park to the Manor House located almost entirely within the 100-foot Buffer. The Buffer should be established in natural forest cover and such a path may interfere with Buffer re-establishment. Paths should be designed to be pervious with canopy cover and should be located outside of the 100-foot Buffer, except for accessways to water-dependent facilities.
5. When available, more specific information should be provided on the future plans for the existing driveway from the Piney Creek Service Road to the Manor House. We recommend that it be limited to pedestrian access and that it be made narrower in width, such that the Buffer can be restored in these areas.
6. Please provide conceptual Buffer Planting Plans as early as possible in the review process.

#### **Stormwater Management**

7. Please provide the 10% pollutant reduction calculations and stormwater plans to this office for review as early as possible in the review process. This information will be necessary for the Commission to process a formal request for growth allocation for this project.

#### **Water-Dependent Facilities**

8. Please provide additional detail on the newly proposed "launch pier" as well as the proposed fishing/crabbing pier. Also provide additional detail on any proposed renovations to the boat house.

#### **Growth Allocation**

9. The applicant is now requesting growth allocation for the entirety of the RCA portion of the site, including the 7.54 acres in the southeastern corner of the property. The stormwater pond and active recreation area shown in this location are serving the project and are therefore part of the development envelope. Deduction of growth allocation for this area is consistent with the County's Program and the Commission's Policy on Growth Allocation.
10. The County must provide documentation of how the locational guidelines for growth allocation contained in the Criteria (COMAR 27.01.02.06) have been addressed. Examples of such documentation may include staff reports, Planning Commission minutes, maps, etc.

Ms. Sue Ann Hyer-Morgan

March 30, 2001

Page 3

**General Comments**

11. When available, the applicant should provide additional detail on the following: existing condition and future use of the small island; any proposed renovation to the existing pool within the Buffer; and on-site afforestation and reforestation areas.
12. Commission staff will contact County staff to arrange a joint site visit in the near future.

Thank you for the opportunity to comment on this revision of the concept plan. Due to a scheduling conflict between the STAC meeting and our regular Commission meeting, I will not be able to attend the STAC meeting. If you have any questions concerning these comments or would like to discuss these issues further, please call me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler". The signature is written in dark ink and is followed by a horizontal line.

LeeAnne Chandler  
Natural Resources Planner

cc: QC595-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 3, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0103-V, Frederick Johnston

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a number of existing structures, one of which appears to be a dwelling.

This office does not oppose redevelopment of this lot. Ideally, the new dwelling and/or garage would take advantage of the existing footprint of some of the buildings, especially the ones outside of the Buffer. However, we do recognize that there will be an overall net decrease in impervious surfaces (though it appears that there will be an increase within the 100-foot Buffer) and the new dwelling is further from the water than the existing one. Would it be possible to move the new dwelling closer to the road? We recommend that it be shifted to sit parallel with the shoreline if possible. This would minimize intrusion into the Buffer. We recommend mitigation at a 2:1 ratio for new impervious areas within the Buffer. Areas where impervious surfaces are removed should be priority locations for the plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA189-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

April 5, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

Ms. Vivian Swinson  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Administrative Variance, Schulz

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the Buffer requirements in order to construct a swimming pool within the Buffer. The property is 1.2 acres in size and is currently developed with a single family dwelling.

Given the size of the property and the availability of feasible alternative designs, this office can not support the variance requested. Please note, an impervious surface variance for the pool or any other construction will also be necessary. There is a small area in the western corner of the large parking area that is outside of the Buffer that could potentially be used for locating a swimming pool. As staked on site, the pool is located approximately only 40 feet from the shoreline. This does not minimize the disturbance in the Buffer to the least intrusion necessary. The property is not Buffer-exempt. With modifications to the garage and perhaps decks on the back of the house, a pool could potentially be placed entirely outside of the Buffer without the need for a Buffer or an impervious surface variance. While perhaps not as desirable, the pool could also be placed in the expansive front yard. As proposed however, this office must oppose the variance requested.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC205-01

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 5, 2001

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Fax: (410) 974-5338

Ms. Vivian Swinson  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Administrative Variance, Brian Mayhew

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the Buffer requirements in order to construct a swimming pool within the Buffer. The property is 2.16 acres in size and is currently undeveloped. The property sits on the point between the Chesapeake Bay and Eastern Bay. The Chesapeake Bay shoreline is designated as Buffer Exempt while the Eastern Bay shoreline is not. The swimming pool is being proposed shoreward of a proposed new dwelling.

Given the size of the property and the availability of feasible alternative designs, this office can not support the variance requested. The house could be designed and placed to ensure that there is no impact to the 100-foot Buffer. The large circular driveway could be eliminated or shifted back to allow the pool to be shifted out of the Buffer. It is our understanding that there are some septic issues which affect the placement of the dwelling. However, it is our understanding that the proposal to have a separate septic system (and two reserve areas) specifically for laundry waste is a choice and not a requirement. If the three drainage areas for the wash water were eliminated or even reduced to two (i.e., having one reserve area rather than two), the house could be moved back. Commission staff understands that there is a desire to preserve some existing trees. Nonetheless, protection of the Buffer is a priority of the County's Critical Area Program.

Given the feasible alternatives to locating the pool within the Buffer, there does not appear to be a hardship in this case. We recommend that the applicant redesign the development of the parcel to eliminate all impacts to the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC206-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 5, 2001

Ms. Vivian Swinson  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Administrative Variance #04-01-01, Ann Westergard

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the Buffer requirements in order to construct a stairway addition onto an existing dwelling. The property is designated LDA and is currently developed with a single family dwelling in very close proximity to the shoreline.

Due to the location of the existing dwelling (i.e. any addition or change to the structure would require a variance), the minimal size of the addition, and the fact that the addition will be placed over existing brick, this office does not oppose the variance requested. Mitigation should be provided in accordance with Section 14-168(c)(3) of the County's Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC195-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 5, 2001

Ms. Vivian Swinson  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Administrative Variance #04-01-02, John Cover

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the Buffer requirements in order to construct a sunroom addition onto an existing dwelling. The property is currently developed with a single family dwelling and a detached garage.

Due to the location of the existing dwelling (i.e. any addition or change to the structure would require a variance) and the reasonable size of the proposed addition, this office does not oppose the variance requested. Mitigation should be provided in accordance with Section 14-168(c)(3) of the County's Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC196-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

April 5, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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Ms. Vivian Swinson  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Administrative Variance, John Cannon

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the Buffer requirements in order to construct a swimming pool shoreward of an existing structure within the Buffer. The property is approximately 0.5 acres in size and is currently developed with a single family dwelling.

There does not appear to be a feasible alternative location for a swimming on this lot due to the size of the lot, the existing septic fields and the well. The property is Buffer Exempt and some neighboring properties are developed up to the minimum 50-foot setback. Some neighboring properties are also developed with swimming pools, including the adjacent property to the north. It is our understanding that the septic areas can not be relocated due to the limited space on this lot. If a pool is approved, we recommend that the size be limited to 33 feet by 17 feet inclusive of the surrounding surface (based on the size of the pool on the adjacent property). No disturbance should occur closer than 50 feet to the shoreline. Also, mitigation should be provided in accordance with Section 14-168(c)(3) of the County's Zoning Ordinance. This section requires that the extent of the lot shoreward of the new development be established and maintained in natural vegetation and that natural vegetation of an area twice the extent of the impervious surface be created on the property. Given that this lot is maintained as manicured lawn down to the bulkhead, there is ample opportunity to plant native trees and shrubs on this site.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC204-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0040-V, Anthony Grieb

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an inground swimming pool with less setbacks and Buffer than required. The property has a split designation of LDA and RCA and is developed with a house and driveway.

Information provided with the application did not include specific information on the dimension of the pool. In addition, the site plan provided is not according to the scale listed so it is difficult to assess the site for alternative locations. According to the impervious information provided, there will be a 1200 square foot increase in impervious surface due to the pool. This is excessive. If the footprint of the pool were made smaller, it appears that it could potentially be placed outside of the stream Buffer, eliminating the need for the variance. Based on the rough site plan, it appears that a smaller pool could be accommodated closer to the house, east of the well (i.e., close to where the driveway ends). As proposed, this office can not support the variance requested. It does not appear to be the minimum to provide relief. A pool also does not appear to be a standard amenity in this neighborhood of mixed house sizes and styles. There does not appear to be an unwarranted hardship in this case.

Thank you for the opportunity to comment. Please provide the requested revised information when it is available. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA94-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0102-V, Shaun Abbott

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less Buffer than required. The property is designated LDA and is developed with a house approved under Variance Case No. 1998-0310-V.

No information was provided as to the proposed size or location of the deck. The conditions placed on the variance allowing the house specifically stated, "the applicants shall not exceed the limits of disturbance depicted on the site plan submitted in these proceedings." Is additional disturbance necessary in order to construct the deck? Will construction of the deck create additional disturbance such that a new non-tidal wetland authorization will be necessary? This information and a revised site plan showing the deck should be provided. We suggest that any proposed deck be cantilevered in order to minimize additional disturbance to the wetlands.

Thank you for the opportunity to comment. Please provide the requested revised information when it is available. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA188-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0094-V, Kelly Krick

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required and with greater impervious surface than allowed. The property is designated LDA and is currently developed with a house and attached screened porch.

Due to the small size of the lot, total impervious surface area allowed is limited to 2219 square feet while a total of 2905 square feet is proposed. We recommend that the proposed garage addition and driveway be made smaller to conform with the restrictions. Also, it may be appropriate to eliminate some existing impervious surface including the existing gravel driveway. We have no comment on the side setback variance. If a minimal impervious surface variance is approved, we recommend that it be conditioned on addressing stormwater management for all of the impervious area on the lot. It could potentially include planting trees and shrubs along with residential best management practices such as dry wells or french drains to capture all roof runoff. Lastly, it is our understanding that the applicant also owns lots 11 and 12 across the alley. While the County will not permit lot consolidation due to the alley, the applicant may place the lots under an easement such that the total impervious for all of the lots would be consistent with the regulations.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA181-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

April 6, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0099-V, Karen Lerch

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a house and shed.

This office often does not oppose additions of reasonable size provided that impacts are minimized and the variance requested the minimum to provide relief. Would it be possible to shorten the proposed porch, such that the bedroom addition could be accommodated entirely outside of the wetland buffer? Alternatively, could the addition be made slightly smaller (perhaps 20 by 14 rather than 20 by 20) to reduce impacts? If possible, we recommend that the proposal be redesigned to avoid the need for a variance. If the variance is approved, it should be conditioned on authorization from MDE. Also, we recommend mitigation at a 3:1 ratio for all disturbance in the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA185-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 9, 2001

Ms. Charlene Morgan  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

VIA FACSIMILE

RE: Variance Case No. 2001-0054-V, Marianne Walish

Dear Ms. Morgan:

Thank you for providing information on the above referenced variance request. The applicant is proposing to construct a screened patio with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because there are no impacts to habitat protection areas and because the porch will be placed over existing impervious surface, this office has no comment on this setback variance.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA217-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 9, 2001

**VIA FACSIMILE**

Ms. Suzanne Diffenderfer  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0039-V, Robert Hoyt - REVISED COMMENTS

Dear Ms. Diffenderfer:

Commission staff has reviewed the revised information provided on the above referenced variance request. The applicant is proposing to tear down an existing dwelling and reconstruct it with some additions. An existing garage will be torn down and reconstructed as well. The property is designated LDA and is developed with a house, pool, garage and driveway.

We do not oppose the redevelopment of this lot. Impacts should be minimized and the variance requested the minimum to provide relief. The limits of disturbance, existing vegetation, and proposed grading are not properly shown on the site plan. Impervious surfaces already exceed the amount permitted; though with the removal of some existing impervious, there will be a net reduction overall. Ideally, the addition would be placed away from the water, though it would still be within the expanded Buffer. The use of heavy equipment should be minimized in the vicinity of the steep slopes. If possible, we recommend that the footers for the deck expansion be hand dug. Given the large amount of existing impervious, we recommend that stormwater runoff be managed in some way. At a minimum, it should be directed away from the steep slopes. We also recommend mitigation at a 3:1 ratio for all disturbance within the expanded Buffer. Areas where impervious surfaces are removed should be a priority location for plantings.

Thank you for the opportunity to comment. Please include this letter in the record for the variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA93-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 9, 2001

**VIA FACSIMILE**

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0036-V, Dan Hale - COMMENTS ON REVISED PLAN

Dear Mr. Dooley:

Commission staff has received a fax copy of the revised plans for the above referenced variance request. The applicant is proposing to construct a dwelling with less setbacks and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

The revised plans show a reduction in the limits of disturbance along with a reduction in the disturbance to steep slopes. A long (110 feet), more narrow structure is proposed, which helps preserve some of the steep slopes. It may be appropriate to reduce the overall footprint of the dwelling. Also, how will stormwater management be addressed? If the size of the dwelling were further reduced, stormwater management may not be required. It seems that a dwelling could be accommodated on this lot with fewer impacts. As proposed, nearly 60% (8856 square feet) of the lot will be disturbed, necessitating mitigation at a 3:1 ratio.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA87-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 11, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0092-V, Karl Roes

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. We recognize that any development would require a variance due to the extent of the expanded Buffer. However, as proposed, it does not appear that impacts have been minimized. We recommend redesigning to reduce impacts. Just by eliminating the side-entrance driveway and perhaps shifting the house on an angle, the direct impacts to steep slopes could be entirely avoided. Slightly changing the footprint or reducing the depth of the house could further minimize impacts. We recommend that these changes be made to ensure the variance request is the minimum necessary to provide relief. Also, we recommend mitigation at a 3:1 ratio for all impacts to the expanded Buffer.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA179-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 11, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0097-V, Hohman Bayer

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required. The property is designated LDA and is currently vacant.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. It appears that the Buffer is incorrectly drawn on the site plan provided. Specifically, the Buffer has been drawn from the property line, rather than mean high water. Also, there are areas of 15% or greater slopes that have not been appropriately identified. The site plan should be corrected and re-submitted. Regardless, it appears that impacts could be further minimized. This property is not Buffer Exempt and an effort should be made to locate the dwelling entirely outside of the 100-foot Buffer. We recommend that the house be redesigned, perhaps with a smaller footprint, in order to reduce impacts. (The three-car garage and irregular footprint appear to be creating additional impact.) We recommend mitigation for any disturbance within the 100-foot Buffer at a 3 to 1 ratio and for clearing outside of the Buffer at a 1 to 1 ratio.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA183-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

April 11, 2001

Mr. Kenneth L. McLawhon, Town Manager  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, MD 20640

RE: Ken Ammar - Site Plan dated March 2001

Dear Mr. McLawhon:

This office has received the most recent site plan and reforestation plan for the Ammar property. Commission staff has reviewed the information provided. It does not appear that all of the information necessary for review has been provided on the site plan submitted. Specifically, the plans lack important topographical details necessary to determine the extent of Buffer expansion. In addition, at the meeting of January 11, 2001 as well as correspondence of December 13, 2000 and November 29, 2000, we had recommended that two-foot topographical contours be provided along the length of the driveway, including the area where the steep slopes were excavated. This information has not been provided on the plans to date. Also, the site plan incorrectly identifies the "permitted limits of clearing and disturbance." It is our understanding that the only permit issued by the Town was for the 33 by 33 foot "temporary" dwelling shown on the plans dated February 2000. To our knowledge, a revised permit has not been issued.

It is our understanding that the Town is using the Critical Area ordinance that was in effect at the time the project was originally submitted. That ordinance requires (as do the State regulations) Buffer expansion when there are contiguous steep slopes. Specifically, it states, "the Buffer shall be expanded beyond 100 feet to include contiguous sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous slopes of 15 percent or greater, the buffer shall be expanded 4 feet for every 1 percent of slope, or to the top of the slope, whichever is greater in extent." Buffer expansion for steep slopes is mandatory. The Critical Area notes state, "the Critical Area Buffer has been expanded for slopes cliffs at a rate of 2' for 50 years, wetlands, and streams." This statement and method of Buffer expansion is not consistent with the Town's Critical Area Program or the State Critical Area Criteria. Please also refer to our previous comments dated December 13, 2001 regarding Buffer expansion.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Mr. Kenneth McLawhon

April 11, 2001

Page 2

At our meeting on January 11, 2001, we had discussed the need for a field run topographical survey to produce two-foot contours in the vicinity of the driveway, stream, Buffers and cleared areas. It appears that only some of this information has been provided. In order to accurately determine the extent of Buffer expansion, topographical information should be provided for the area within the Buffer to the Potomac River as well as the Buffer to the streams on site. Areas of slopes of 15% or greater should be clearly delineated. The Buffer must be expanded four feet for every percent of slope and must be appropriately identified on the site plan. This information is standard for Critical Area projects which impact Habitat Protection Areas such as the Buffer as well as areas of steep slopes. The square footage of disturbance within the Buffer should be quantified. Also, the site plan now shows utilities running along the driveway to the house. Mitigation should be provided for any disturbance beyond the existing gravel driveway.

With regard to the proposed mitigation planting plan, it is not possible to provide a final review until the Buffer is appropriately delineated and mitigation is properly quantified. More specific information should be provided on the planting plan. What species are proposed to be used? What is the proposed size of the trees and shrubs to be planted? What is the proposed spacing of the trees? This information must be provided in the mitigation plan. The planting plan should include information on the existing vegetation as well as the proposed plantings. If there are any questions regarding recommended species or other details of reforestation, Critical Area staff can assist.

Please keep the Commission up to date with any information pertaining to this site and please provide revised information as it becomes available. If you have any questions or would like to discuss this matter further, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Andrew Stephenson, Esq.  
Ren Serey, Executive Director  
IH105-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 16, 2001

Ms. Lisa M. Collison  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

RE: Administrative Subdivision #02-01-04-0001-C  
Cypress Creek Builders, Inc.

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicant is combining two existing lots into one in order to provide enough area to build a single family dwelling with on-site well and septic. The lots are designated LDA and are currently undeveloped. Provided that all Critical Area requirements are met in the course of lot development (including impervious surface and clearing limits), it appears that the proposed lot consolidation is consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC216-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 17, 2001

Mr. Douglas G. Wetmore  
Principal Environmental Planner  
Chesapeake Bay Local Assistance Department  
101 North 14th Street, 17th Floor  
Richmond, VA 23219

RE: Buffer Information

Dear Doug:

With this letter, I have enclosed the information you requested on Critical Area Buffers. Included are the following:

1. A copy of the DRAFT Critical Area Buffer paper that our science advisor, Claudia Jones, is working on. It contains background on the purposes and benefits of the Buffer, as well as the particular methods of measuring and establishing the Buffer in the Maryland Critical Area.
2. A form entitled, "Critical Area Buffer Management Plan" which is meant for property owners conducting activities within the Buffer.
3. A copy of the Commission's Residential Buffer Exemption Area Policy. As you know BEAs are those areas where the Buffer is already compromised by existing activities and Structures. This policy was written specifically for single family detached residential development.
4. A copy of the Commission's Buffer Exemption Area Policy for Commercial, Industrial, Institutional, Recreational and Multi-family Residential Development. This policy was developed after it was discovered that there were some large properties designated as Buffer Exempt. It is meant to provide flexibility to allow commercial or other more intense development while gaining some environmental benefit through mitigation.
5. A copy of the Swan Point Alternative for BEAs. It represents an innovative way of providing flexibility for that particular development.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093




Mr. Douglas Wetmore  
April 17, 2001  
Page 2

6. Lastly, though it is not specific to the Maryland Critical Area, I have enclosed a copy of an article from a journal called *Coastal Management*. It provides a good summary of the pros and cons of various methods of applying a buffer in the Coastal Zone throughout the U.S. It seems that the University of Rhode Island Coastal Resources Center has done a lot of work on the issue.

I also have numerous articles on the benefits of Buffers, determination of optimal width, and example regulations from local governments. If you are interested in any particular issue or topic, I'd be happy to send additional information to you.

I hope this information is useful. Please let me know how your project is going. If you have any questions or would like additional information, please feel free to contact me at (410) 260-3477. Take care and keep in touch.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 17, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0104-V, Susan Solomon

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required. The property has a split designation of LDA and RCA and is currently developed with a single family dwelling.

The information provided was not clear as to the distance between the proposed improvements and the shoreline. Also, the site plan shows wetlands but does not label them as non-tidal or tidal. This should be clarified as there may be additional buffers from the wetlands. Also, State tidal wetlands can not be included in the lot area for the impervious surface calculations. With regard to the improvements proposed on the Herring Bay side of the dwelling, we recommend that the proposed stone terrace be replaced with a pervious deck and be turned 90 degrees such that Buffer intrusion is reduced. Mitigation should be provided at a 2:1 ratio for new impervious surfaces within the Buffer and at a 1:1 ratio for new impervious outside of the Buffer in accordance with the County's Buffer Exemption Area rules. The Buffer should be a priority location for the plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA203-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 18, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0113-V, Elizabeth McGovern

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities with disturbance to steep slopes and with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling.

This office does not oppose the redevelopment of this lot. Impacts should be minimized as much as possible. Since the proposed dwelling is a replacement of the existing one, would it be possible to take better advantage of the existing footprint and reduce new impacts to the steep slopes? If that is not possible due to health department setbacks, we recommend eliminating or reducing the bump out on the southwestern side of the house to minimize new impacts to steep slopes. We recommend that the deck footers be installed by hand or that the deck be cantilevered to reduce disturbance to the slopes. Extraneous grading and clearing should be eliminated. Areas where impervious surfaces are removed should be revegetated to ensure perviousness. Reforestation should be provided at a 3 to 1 ratio for clearing 34% of the woodland from this site in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA208-01

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April 18, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0105-V, Edwin Campbell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling.

First, it appears that a variance to the impervious surface limits is also required. A lot of this size is permitted up to 31.25% imperviousness. While existing impervious (5385 square feet) already exceeds the permitted amount (approximately 3906 square feet), an increase is proposed which necessitates the impervious surface variance. We suggest that an equivalent amount be removed such that the additional variance would not be necessary.

With regard to the Buffer variance, this office often does not oppose additions of reasonable size provided that impacts are minimized. As the impervious surface coverage indicates, the lot is heavily developed with a driveway, detached garage, shed, dwelling and patio. With the addition, the dwelling will be 78 feet long. Would it be possible to expand the sunroom along the side of the house, rather than extending towards the water? Do the houses on the adjacent properties intrude as far into the Buffer? We recommend further minimizing the request. If approved, mitigation should be provided at a 2:1 ratio for the new impervious surface within the Buffer in accordance with the County's Buffer Exemption Area rules. Also, we recommend that stormwater management be provided to address runoff from the existing and proposed impervious surfaces on this site.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA207-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Chairman

Ren Serey  
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April 18, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0115-V, Severn Associates

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property has a split designated of LDA and RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single familing dwelling on it. Impacts must be minimized and the variance requested the minimum to provide relief. The property is heavily impacted by tidal and non-tidal wetlands. Are these State tidal wetlands or private wetlands? This should be clarified because State tidal wetlands can not be included in the lot area for purposes of calculating impervious coverage. The application and site plan both state that a variance of 94 feet to non-tidal wetlands is requested. Given that the buffer to non-tidal wetlands is 25 feet, this does not appear to be correct. If feasible, we recommend that the proposed dwelling be made smaller to reduce impacts. We recognize that similar variances were requested and approved on adjacent lots. However, the house proposed on this lot is even closer to the wetlands than Lots 1 and 2. We recommend mitigation at a 3:1 ratio be provided for all disturbance within the Buffer. Also, we recommend that similar conditions be placed on any approval for this property as for Lots 1 and 2 (Variance Case Nos. 1999-0226-V and 1999-0227-V).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA209-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 18, 2001

Ms. Cathy Maxwell  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Variance Case No. V-030011, Joanne Goodall

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance from the side yard setbacks to construct a sunroom. The property is designated LDA and is currently developed with a house, garage, driveway and shed.

The site plan provided indicates that there is a total of approximately 3648 square feet of impervious surfaces already on the property. This amount exceeds the 31.25% limit (3294 square feet) set out in the regulations. However, in discussing the application with Mr. Palmatary, he indicated that there will only be a total of 3270 square feet. He also indicated that the applicant was removing 138 square feet of a concrete walkway. These impervious surface quantities should be verified. Provided that there is no net increase in impervious surfaces such that the limits can be met, this office has no concerns regarding the side yard variance requested.

Thank you for the opportunity to review this variance request. Please include this letter in your file and submit it as part of the record. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC201-01

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Ren Serey  
Executive Director

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April 18, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0112-V, Kathleen Smith

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities with disturbance to steep slopes and with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling.

This office does not oppose the redevelopment of this lot. Impacts should be minimized as much as possible. Existing impervious surfaces exceed the permitted amount and it appears that there will be a slight decrease due to redevelopment. It is not clear why it is necessary to grade the area near the western corner of the house. Any extraneous grading should be eliminated from the proposal to keep new disturbance to the steep slopes to the minimum. Also, we recommend that the deck footers be installed by hand or that the deck be cantilevered to reduce disturbance to the slopes. Areas where impervious surfaces are removed should be revegetated to ensure perviousness. Reforestation should be provided at a 1.5 to 1 ratio for clearing 29% of the woodland from this site in accordance with the County Zoning Ordinance. .

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA631-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

April 18, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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Ms. Sue Ann Hyer-Mogan  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Fellows, Helfenbein & Newman Funeral Home - Minor Site Plan  
MISP 04-01-01-0007(c) - Revision #1**

Dear Ms. Hyer-Morgan:

Thank you for providing the revised plans for the above referenced minor site plan. The applicant is proposing to construct an addition to an existing funeral home and reconfigure the parking lot. The property is designated LDA and is 0.943 acres in size. The applicant received a variance from the County Board of Appeals to exceed the 15% impervious surface limit.

It appears that a swale has been added for stormwater management. We have several questions with regard to the stormwater calculations provided. First, the calculations should be based only on existing and proposed conditions on Parcel 311. The exception would be only if there is some agreement regarding a prohibition of any future new impervious surfaces on parcels 90 and 91. Second, the drainage maps provided do not clearly indicate how the proposed grassed swale would serve the entire site. It does not appear that all runoff from the entire site will flow through the grassed swale. The flow from "A" to "B" to "C" does not go near the proposed swale. Lastly, the removal efficiency listed for the grassed swale indicates that it is being sized for the first ½ inch of runoff. Please be aware that stormwater quality management in the Critical Area will be required to meet the new MDE stormwater regulations which come into effect July 1, 2001. This includes treatment of the first full inch of runoff.

With regard to the proposed landscaping plan, we recommend that native species be used on all sites within the Critical Area. The majority of the species proposed on this property are not native to Maryland.

Thank you for the opportunity to comment. If changes are made to the project as proposed, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC496-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 23, 2001

**VIA FACSIMILE**

Ms. Suzanne Diffenderfer  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variances 2001-0064-V and 2001-0065-V, Randal Scholl - Comments on Revised Plans

Dear Ms. Diffenderfer:

This office has received revised plans for the above referenced variance applications. The applicant is requesting two variances to permit dwellings and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The properties are designated LDA and appear to be currently undeveloped.

For Lot 1A, the revisions include a different house design with a side entrance garage, a driveway along the side of the house, and the plans now show the proposed septic tank and pump location. Total proposed impervious surfaces have been decreased to 11.3% of the site. Total clearing has been decreased by redesigning the proposed septic system and utilizing one deep dry well as the primary system. It appears that impacts have been significantly reduced. Reforestation should be provided at the appropriate ratio for all clearing.

For Lot 2A, the revised plans show the same house design but have added detail such as the proposed septic system and driveway. Due to health department distance requirements, it appears that some steep slope disturbance is unavoidable. The previously proposed disturbance crossing the steep slopes for the septic lines has been eliminated by utilizing dry wells as the primary system. While a different or smaller house footprint would slightly reduce impacts, it does appear that impacts have been reduced and are better explained. Reforestation should be provided at the appropriate ratio for all clearing.

Thank you for the opportunity to comment. Please include this letter in your file along with our original comments and submit them as part of the record for these variances. Also, please notify the Commission in writing of the decision made in these cases.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA121-01

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Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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April 23, 2001

Mr. Richard A. McIntyre  
Queen Anne's County  
Parks and Recreation  
P.O. Box 37  
Centreville, Maryland 21617

RE: Blue Heron Golf Course Expansion

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To <i>Dick McIntyre</i>	From <i>Lee Anne Chandler</i>	
Co.	Co.	
Dept.	Phone # <i>410 260-83477</i>	
Fax # <i>(410) 758-0566</i>	Fax #	

Dear Mr. McIntyre:

Thank you for the opportunity to review the proposed plans for the Blue Heron Golf Course Expansion and for taking me around the site on Friday, April 20, 2001. Based on our site visit and the plans you have provided, I have the following comments:

1. The Critical Area 100-foot Buffer is not shown on the north side of the tidal marsh (in the area of the existing course). It should be delineated and all new disturbance should be outside of the 100-foot Buffer. This includes the proposed renovations to the existing course.
2. You indicated in the field that the tee boxes for Hole Numbers 5 and 6 had been moved outside of the Buffer. Revised plans should be provided which indicate the new locations for the tees. All tees, sand traps, greens, and stormwater ponds should be located out of the Buffer.
3. While we were on site, we discussed the proposed tree clearing within the Buffer for the fairway for Hole Number 5. It is my understanding that only the taller trees would be removed and that the shrub layer would be left intact. The tree clearing should be quantified. We recommend mitigation for this clearing in the Buffer at a 3:1 ratio. The Buffer should be a priority location for the plantings.
4. Areas where the Buffer is not fully vegetated should be targeted for planting trees and shrubs.
5. The proposed 10-foot wide timber bridge across the tidal marsh may be excessive in width. You had indicated that it was the same size as the bridges used in the cross-island trail. However, this golf course will not have similar

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Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

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April 23, 2001

Mr. Richard A. McIntyre  
Queen Anne's County  
Parks and Recreation  
P.O. Box 37  
Centreville, Maryland 21617

RE: Blue Heron Golf Course Expansion

Dear Mr. McIntyre:

Thank you for the opportunity to review the proposed plans for the Blue Heron Golf Course Expansion and for taking me around the site on Friday, April 20, 2001. Based on our site visit and the plans you have provided, I have the following comments:

1. The Critical Area 100-foot Buffer is not shown on the north side of the tidal marsh (in the area of the existing course). It should be delineated and all new disturbance should be outside of the 100-foot Buffer. This includes the proposed renovations to the existing course.
2. You indicated in the field that the tee boxes for Hole Numbers 5 and 6 had been moved outside of the Buffer. Revised plans should be provided which indicate the new locations for the tees. All tees, sand traps, greens, and stormwater ponds should be located out of the Buffer.
3. While we were on site, we discussed the proposed tree clearing within the Buffer for the fairway for Hole Number 5. It is my understanding that only the taller trees would be removed and that the shrub layer would be left intact. The tree clearing should be quantified. We recommend mitigation for this clearing in the Buffer at a 3:1 ratio. The Buffer should be a priority location for the plantings.
4. Areas where the Buffer is not fully vegetated should be targeted for planting trees and shrubs.
5. The proposed 10-foot wide timber bridge across the tidal marsh may be excessive in width. You had indicated that it was the same size as the bridges used in the cross-island trail. However, this golf course will not have similar

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Mr. Richard A. McIntyre  
April 23, 2001  
Page 2

volume or type of traffic as the trail. We recommend a bridge width of six to eight feet.

6. Plans should be provided which show the LDA/RCA demarcation line. Structures such as the clubhouse and associated parking should be limited to the LDA portion of the site. The County's Zoning Ordinance limits certain facilities within the RCA. In regard to golf courses, it states (Section 14-139(b)(3)(v), "Certain nonresidential uses may be permitted in Resource Conservation Areas if it is first determined by the Department that the proposed use is one of the following: ... 3. The proposed use is a golf course, but **not including main building and structures, e.g. club house, pro-shop, etc.**" [emphasis added]. As proposed and based on the Critical Area boundary map, it appears that the clubhouse, clubhouse pavilion and the majority of the parking are proposed within the RCA.

As a local agency project, a consistency report in accordance with COMAR 27.02.02 should be provided to this office. In order to make a finding of consistency, the issues above must be addressed. If you have any questions or concerns or if you would like to discuss any of the above comments in more detail, please feel free to contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: Steve Cohoon, Dept. of Planning & Zoning  
QC243-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 23, 2001

VIA FACSIMILE

Ms. Suzanne Diffenderfer  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0055-V, Costello – REVISED COMMENTS

Dear Ms. Diffenderfer:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes on a newly created lot. The parent parcel is designated LDA and is developed with a large waterfront dwelling. The lot is proposed to be split into two, to allow construction of another dwelling.

At the request of the property owner, Commission staff visited the site on April 19, 2001. The proposed lot is wooded, with a relatively level "knoll" surrounded by steep slopes. Our previous letter raised concerns regarding the location of the existing dwelling within the Buffer and the clearing which appeared on the site plan. The property owner indicated that the existing dwelling was placed in its location because a structure previously existed there. He also indicated that he had sewer lines installed to serve his dwelling and others to address failing septic systems in the immediate vicinity of the property. He further explained that he installed shore erosion control measures to limit further sediment from entering the River from his shoreline. We acknowledge that these activities undoubtedly reduced pollutants entering the Severn River.

Nonetheless, this office continues to have concern about the proposed subdivision. The proposed subdivision will create a lot which requires a variance in order to be developed. This office can not support variances on non-grandfathered lots. While we recognize that the proposed steep slope disturbance is less than 300 square feet, the Critical Area requirements are clear in prohibiting disturbance on slopes of 15% or greater. In addition, it appears that impervious surfaces may be a problem. Overall, the entire property is limited to 15% imperviousness. The proposed subdivision and subsequent improvements on Lot 2 may increase imperviousness beyond that permitted. There are brick sidewalks and a patio on the water side of the house that are not accounted for in the calculations. If the steep slope variance is approved, it should be conditioned on meeting the strict impervious surface limitations through the permanent removal of some existing impervious areas. Also, reforestation should be required at the appropriate ratio, including taking the clearing which occurred during construction of the dwelling on Lot 1 into account.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA115-01

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Judge John C. North, II  
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Ren Serey  
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

April 24, 2001

Mr. Steve Cohoon  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

RE: Mainbrace (Lots 6 & 7), Subdivision with TDRs  
File #05-99-070©, Revision #2

Dear Mr. Cohoon:

I have reviewed Revision #2 of the plat provided for the above referenced subdivision as well as the previously submitted information contained in our files. Based on the information we have received, it is not clear that the Commission's previous comments have been addressed. Specifically, our previous comments asked if reforestation for clearing on Lots 1, 4, and 5 (totaling 0.804 acres) had been provided on site or if a fee was paid in lieu of clearing. Also, have provisions for reforestation been made for clearing on the newly proposed Lots 6 & 7? While the note on Sheet 2 states that trees must be replaced at a one to one ratio, it does not provide any further detail. Because the forest areas have been identified as potential forest interior dwelling bird (FID) habitat, we again recommend that the reforestation area be identified prior to subdivision approval and that the area selected for reforestation be located such that it creates FID habitat or expands an existing area of FID habitat.

Thank you for the opportunity to comment on this revision. Please include this letter in your file and submit it as part of the record for this subdivision application. If you have any questions or concerns, please feel free to contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC468-99

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
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Ren Serey  
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 25, 2001

Ms. Sue Ann Hyer-Morgan  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

RE: Patricia M. Stabler Property  
#07-00-042© - Revision #1

Dear Ms. Hyer-Morgan:

Thank you for providing the revised plans for the above referenced subdivision. The applicant is proposing to create 6 lots from a 137.4 acre parcel. The property has an RCA designation and has 96.5 acres within the Critical Area.

At one dwelling unit per twenty acres, only 4 dwelling units are permitted within the Critical Area portion of the property. The revised plans show the development pads for Lots 2 and 3 entirely outside of the Critical Area in accordance with our previous comments. The adjacent Parcel 49 contains a tidal creek or gut. The 100-foot Buffer should be shown from the landward boundary of this tidal marsh or creek. Based on the site plan and the County Soil Survey, it appears that the Buffer may impact the Park Lane right-of-way. Provided that 15% afforestation is provided, it appears that the proposed subdivision is consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3477. If there are changes to the project which will impact Critical Area resources, please forward them to this office for further review.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

Cc: QC295-00

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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April 26, 2001

Mr. Steve Cohoon  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

RE: Peter Sheaffer, Transfer of Development Rights  
File: TDR #03-01-04-0003

Dear Mr. Cohoon:

Thank you for providing information on the proposed transfer of development rights from Pioneer Point Farm. The applicant is proposing to transfer 12 out of 16 development rights from the portion of the property within the Critical Area with CS Zoning. Commission staff has reviewed the information provided and we have the following comments:

1. The site plan indicates that there are 40.97 acres of private tidal wetlands on the property which have been included in the acreage used to generate the density. It appears that the applicant has relied on the National Wetland Inventory (NWI) maps to make the State vs. private tidal wetland determination. We recommend that field verification be provided as the NWI was conducted a number of years ago. Also, please note that there is an area labeled "E1UB4L" (in the vicinity of the label for the Chester River), that is a subtidal wetland type, indicating it is likely State wetlands. Such an area cannot be included in the acreage calculations.
2. What is the Critical Area designation for the 7.549 acres that are zoned NC-5? (Our office is missing the Critical Area overlay map for this area.) This information should be provided.
3. Revised acreage calculations should be provided in accordance with comment #1 above to ensure that there are in fact 16 development rights on this property. The application states that there are four development rights which will remain on the property. It does appear however that there may be one existing dwelling unit (the trailer, shop and kennel which appear in the northern corner of the property). This should be noted on the site plan.

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Mr. Steve Cohoon  
April 26, 2001  
Page 2

Thank you for the opportunity to comment. Please include this letter in your file for this proposed TDR. Please forward any revisions to this office for further review. If you have any questions regarding these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC244-01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 26, 2001

Ms. Tanya Krista-Maenhardt  
Department of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Eastern Bay Antiques - Minor Site Plan  
MISP 05-01-03-0001(c), Revision #1**

Dear Ms. Krista-Maenhardt:

Thank you for providing Revision #1 of the site plan for the above referenced project. The applicant is proposing to construct a storage building on an existing lot. The site is designated LDA and is currently developed with a house, a commercial building and associated parking.

The information provided with this revision has clarified that there will not be a driveway up to the proposed building. Rather, the response from Lane Engineering was that materials would be hand-carried from the existing driveway to the proposed building. Is there a path existing between the driveway and the shed? Is the path pervious? With regard to the stormwater management issue, the information states that a stormwater management waiver is being requested. While a waiver for stormwater quantity may be permitted, stormwater quality must be addressed in accordance with COMAR 27.01.02.04 (D)(2). This section states that "All stormwater storage facilities shall be designed with sufficient capacity to achieve water quality goals of this subtitle and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state." On a smaller site such as this, plantings may be sufficient to address this requirement but it should be addressed in some manner.

Provided that all impervious surfaces are accounted for and the 15% limit is adhered to and provided that stormwater quality is addressed, it appears that the proposed site plan is consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. If the plans change or if additional information is provided, please forward revised plans to this office for further review. If you have any questions concerning these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC149-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 27, 2001

Ms. Vivian Swinson  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Administrative Variance #02-01-03, James and Doris Boulanger

Dear Ms. Swinson:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance from the Buffer requirements in order to construct an attached deck onto an existing dwelling. The property is currently developed with a single family dwelling and garage.

It appears that the proposed deck will provide a reasonable expansion of living space. Due to the location of the existing dwelling and the extent of Buffer intrusion on neighboring lots, this office does not oppose the variance requested. The decks should be constructed to be pervious (i.e., with spaces between the boards) and no roof should be permitted. Mitigation should be provided in accordance with Section 14-168(c)(3) of the County's Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, reading "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC246-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 26, 2001

Ms. Suzanne Diffenderfer  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0094-V, Kelly Krick – Additional comments

Dear Ms. Diffenderfer:

Thank you for providing the revised impervious surface calculations for the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required and with greater impervious surface than allowed. The property is designated LDA and is currently developed with a house and attached screened porch.

The new calculations show a proposed total impervious area to be 2174 square feet, below the maximum of 2219 square feet. The calculations appear to be based on a different site plan, dated November 1995 rather than the new survey dated February 27, 2001. The configuration of the sidewalk is different. Which drawing is an accurate depiction of current conditions? With removal of the walkways and gravel driveway, impervious surfaces may not be an issue, but the accuracy of the information should be confirmed

Thank you for the opportunity to comment. Please include this letter in your file and submit it (as well as our original comments) as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA181-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 27, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2001-0105-V, Edwin Campbell

Dear Mr. Dooley:

This office has received the revised variance request for the above referenced case. Our previous comments are still applicable. With regard to the impervious surface variance, we recommend that an equivalent amount be removed such that the additional variance would not be necessary.

With regard to the Buffer variance, this office often does not oppose additions of reasonable size provided that impacts are minimized. As the impervious surface coverage indicates, the lot is heavily developed with a driveway, detached garage, shed, dwelling and patio. With the addition, the dwelling will be 78 feet long. Would it be possible to expand the sunroom along the side of the house, rather than extending towards the water? Do the houses on the adjacent properties intrude as far into the Buffer? We recommend further minimizing the request. If approved, mitigation should be provided at a 2:1 ratio for the new impervious surface within the Buffer in accordance with the County's Buffer Exemption Area rules. Also, we recommend that stormwater management be provided to address runoff from the existing and proposed impervious surfaces on this site.

Thank you for the opportunity to comment. Please include this letter in your file and submit it (as well as our previous letter) as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA207-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 27, 2001

Ms. Lisa M. Collison  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

RE: Administrative Subdivision #02-01-04-0007-C  
Cypress Creek Builders, Inc.

Dear Ms. Collison:

Thank you for providing information on the above referenced subdivision. The applicant is combining two existing lots into one in order to provide enough area to build a single family dwelling with on-site well and septic. The lots are designated LDA and are currently undeveloped. Provided that all Critical Area requirements are met in the course of lot development (including impervious surface and clearing limits), it appears that the proposed lot consolidation is consistent with the County's Critical Area Program.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC245-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 27, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0072-V, Frank G. Scholley – Revised Plans

Dear Mr. Dooley:

This office has received the revised plans for the above referenced variance. The proposed house has been made smaller and relocated further away from the water. The septic system for the house is within the Buffer in the vicinity of the existing house footprint. Our previous recommendations are still applicable, subject to Health Department approval.

Again, if approved, we recommend mitigation for areas of new impervious surface on these Buffer Exempt lots in accordance with the Zoning Ordinance. We also recommend mitigation for the footprint of disturbance for the new septic systems in the Buffer at a 2:1 ratio. The areas where impervious surfaces are removed and the Buffer should be priority locations for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as well as our previous letter, as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA136-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 27, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0103-V, Frederick Johnston – Revised Plans

Dear Mr. Dooley:

This office has received revised plans for the above referenced variance request. It appears that the revision is related to a change in the proposed septic system. The house is now proposed five feet closer to the water and the limits of disturbance appear to have increased slightly. Our previous comments on this application are still applicable. It appears that impacts could be further minimized.

Thank you for the opportunity to comment. Please include this letter in your file and submit it along with our original letter as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA189-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

April 30, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

Ms. Vivian Swinson  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

RE: Administrative Variance #04-01-04, John Cannon

Dear Ms. Swinson:

Thank you for providing the application materials for the above referenced administrative variance. The applicant is requesting a variance from the Buffer requirements in order to construct a swimming pool shoreward of an existing structure within the Buffer. The property is approximately 0.5 acres in size and is currently developed with a single family dwelling.

As stated in our preliminary comments, there does not appear to be a feasible alternative location for a swimming on this lot due to the size of the lot, the existing septic fields and the well. The property is Buffer Exempt and some neighboring properties are developed up to the minimum 50-foot setback. Some neighboring properties are also developed with swimming pools, including the adjacent property to the north. It is our understanding that the septic areas can not be relocated due to the limited space on this lot. If a pool is approved, we recommend that the size be limited to 33 feet by 17 feet inclusive of the surrounding surface (based on the size of the pool on the adjacent property). No disturbance should occur closer than 50 feet to the shoreline. Also, mitigation should be provided in accordance with Section 14-168(c)(3) of the County's Zoning Ordinance. This section requires that the extent of the lot shoreward of the new development be established and maintained in natural vegetation and that natural vegetation of an area twice the extent of the impervious surface be created on the property. Given that this lot is maintained as manicured lawn down to the bulkhead, there is ample opportunity to plant native trees and shrubs on this site.

Thank you for the opportunity to comment. Please include this letter in the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: QC204-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 30, 2001

Ms. Lisa M. Collison  
Queen Anne's County  
Dept. of Planning & Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

RE: Minor Site Plan, #05-01-04-0005-C  
Charles and Christine Dulin

Dear Ms. Collison:

Thank you for providing information on the above referenced site plan. The applicants are proposing to construct a building for a commercial nursery and associated parking. Parcel 722, where the greenhouse will be located, has a split Critical Area designation of RCA/LDA. All proposed improvements are within the LDA portion of the property. Parcel 128, where the parking will be located, has an LDA designation.

Based on the information provided, it appears that the proposed project is consistent with the County's Critical Area Program. However, we do recommend that some provision for stormwater management be provided to handle runoff from the additional impervious areas.

Thank you for the opportunity to comment. If you have any questions or concerns regarding these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: QC230-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0134-V, James Jeffcoat

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit greater density than allowed. The property is designated IDA and is currently developed with one single family dwelling and several accessory structures.

This office has no comment on this density variance. However, please note, the 10% pollutant reduction requirement must be addressed upon development.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, reading "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA237-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

April 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0131-V, Margaret McCaig

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required. The property is designated IDA and is currently developed with one single family dwelling and several accessory structures.

From the site plan provided, it is difficult to assess what is existing and what is proposed. An eight foot deck is a reasonable width, though it does surround the entire dwelling. With covered decks on all sides of the house, the footprint of the dwelling is 53 feet by 82 feet which may be excessive in size (especially considering its close proximity to an extremely steep drop). We recommend that the request be further minimized. We recommend mitigation at a 3:1 ratio for any new disturbance within the expanded Buffer. Also, since this lot is designated IDA, the 10% pollutant reduction rule must be addressed.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA236-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0078-V, Karen Cress

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer to a nontidal wetland than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. A front setback variance is being requested in order to minimize disturbance to the wetland Buffer. The proposed dwelling is modest in size. Clearing and grading should be kept to the minimum necessary for construction. If approved, we recommend mitigation at a 3:1 ratio for disturbance to the wetland buffer and at a 1.5 to 1 ratio for the remainder of the clearing. Also, the property owners should be informed of the future restrictions on this lot (i.e., no disturbance to the non-tidal wetland).

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA231-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0126-V, Les Jenkins Family Fun Park

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an amusement park farther from a freeway or expressway than allowed. The property has a split designation with 15.117 acres of IDA and 8.588 acres of RCA.

This office has no comment on this zoning variance. However, we would like to bring your attention to an item of concern on the site plan. Our concerns regarding this project were previously conveyed in comments on Special Exception 2000-0455-S. They stated that all development activity associated with the park would have to remain outside of the Critical Area or within only the IDA portion of the site. The site plan accompanying this variance request shows what appears to be a stock pile and significant grading within the RCA. This is not consistent with the County's Critical Area Program. Development activity associated with the amusement park is not permitted in the RCA without growth allocation.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA123-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0157-V, Paul Clark

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated LDA, is Buffer Exempt and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. The house (without the deck) appears to be the same distance from the water as the neighbor on the east. The house is not overly large, though significant grading of steep slopes is proposed. If possible, we recommend a further reduction in grading. As proposed, over 36% of the woodland on site will be cleared. The County Zoning Ordinance requires replacement at a 3:1 ratio for clearing over 30% of the woodland or forest from a site.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA255-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0156-V, Paul Clark

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated LDA, is Buffer Exempt and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. As proposed, it does not appear that impacts have been minimized. The proposed dwelling is closer to the water than both of the neighboring properties. We recommend that the applicant consider applying for a front setback variance in order to minimize impacts to the Buffer. (The houses on either side appear to be significantly closer to the road.) As proposed, the dwelling appears to be on the steepest part of the lot. While the house is not overly large, it does appear that impacts could be reduced. As proposed, over 50% of the woodland on site will be cleared. The County Zoning Ordinance requires replacement at a 3:1 ratio for clearing over 30% of the woodland or forest from a site.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA254-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 30, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0146-V, Donald DiLonardo

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a single family dwelling and associated parking.

This office does not oppose redevelopment of this lot. Impervious coverage already far exceeds the permitted amount. The application states that there will not be an increase in impervious surface, though this is difficult to ascertain from the site plan. With the proposed decks, the proposed house is a much larger structure and it seems that impacts to steep slopes will be much greater than those existing. Have any alternatives been explored that would preserve the large trees (especially the 32" diameter specimen)? If approved, we recommend that the footers for the deck be hand-dug. Also, reforestation should be provided in accordance with the County Zoning Ordinance. Areas where impervious surfaces are removed should be a priority location for plantings.

Thank you for the opportunity to comment. Please include this letter in the file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA251-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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May 3, 2001

The Honorable George M. O'Donnell, President  
Queen Anne's County Board of County Commissioners  
107 N. Liberty Street  
Centreville, Maryland 21617

**RE: Growth Allocation Petition for K. Hovnanian  
Four Seasons at Kent Island**

Dear Commissioner O'Donnell:

The Chesapeake Bay Critical Area Commission has received Resolution No. 01-13 which approves the petition for 293.25 acres of growth allocation for the Four Seasons project subject to 25 conditions. We understand that the proposal has been referred back to the County Planning Commission for review of the amended concept plan (which reflects the conditions contained in the Resolution); to make further recommendations as appropriate; and to possibly approve the amended plan.

Because there may be additional changes and/or conditions to the project as a result of the County Planning Commission review, it would appear prudent to postpone initiation of Critical Area Commission review until the conclusion of the County Planning Commission review.

If you do not agree with this approach or if there are any questions or concerns, please contact me at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Mr. Steven Kaii-Ziegler  
Mr. Steve Cohoon  
Marianne Mason, Esq.  
Mr. Ren Serey

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 9, 2001

Mr. Steve Cohoon  
Department of Planning and Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

**RE: Growth Allocation Petition, #GA 04-01-04-0002  
Charles T. Breeding & Janet Breeding Yost**

Dear Mr. Cohoon:

I have reviewed the growth allocation petition for the Breeding property, along with the supporting documentation. The applicant is requesting 34.14 acres of growth allocation to change the Critical Area designation on a portion of the property from RCA to IDA. A 170 single family home subdivision is proposed. Also, the 300-foot shore buffer is proposed to be reduced to the minimum 100-foot Buffer. We have the following comments:

1. The 20.01 acre residue, designated for "passive recreation," must be allowed to retain RCA characteristics. The plan indicates a road labeled "maintenance access" that leads into this area. It is not clear what type of maintenance would be necessary in the passive recreation area. Also, the sketch plan shows two (2) existing dwellings, a trailer (described in the Critical Area assessment report as a mobile home), and numerous accessory buildings. The site statistics on the cover sheet state that there is just one existing dwelling unit (and that it is to be removed). This should be clarified. Only one dwelling unit should be permitted on the 20.01 acre residue.
2. The 20.01 acre residue contains an area of tidal wetlands. The wetlands should be identified as either State tidal wetlands or private tidal wetlands in accordance with the vegetative conditions on-site. State tidal wetlands can not be included in the acreage calculation for density purposes. If they are State wetlands, some reconfiguration of the development envelope may be required in order to ensure a minimum 20 acre residue.
3. As indicated in our previous comments, any time a parcel with agricultural use in the 100-foot Buffer converts to a different use, the 100-foot Buffer must be established as required in COMAR 27.01.09.01C(6). The 100-foot Buffer should be a priority area for the required afforestation. In addition, because this project will require growth allocation, any approval of growth allocation may be conditioned with a requirement for submittal and potentially Commission approval of a Buffer planting plan.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Mr. Steve Cohoon  
May 9, 2001  
Page 2

4. If growth allocation is awarded, please provide the 10% Pollutant Reduction calculations to this office for review.
5. We recognize that the property is pre-mapped for growth allocation and is within the Stevensville Master Planned District. However, the policies concerning the location and extent of future Intensely Developed and Limited Development Areas contained in the County's Critical Area Program (pages 16 and 17) should be addressed in any formal request for Growth Allocation submitted to the Critical Area Commission. (This is in accordance with recent direction from the Commission as well as the Commission's Policy on the Use of Growth Allocation.)
6. Similarly, justification for not providing the recommended 300-foot setback should be part of any formal request submitted to the Critical Area Commission.

Thank you for the opportunity to comment on this growth allocation petition. If you have any questions or would like to discuss these comments further, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: QC160-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 10, 2001

Ms. Tracey L. Greene  
Maryland Department of Planning  
201 Baptist St., Box 24  
Salisbury, Maryland 21801

**VIA FACSIMILE**

RE: Town of Snow Hill - Chesapeake Bay Gateways Project

Dear Ms. Greene:

Thank you for providing the 10% pollutant reduction calculations and the site plan for the Gateways Project in the Town of Snow Hill. Based upon the calculations provided, it appears that the project is consistent with the Town's Critical Area Program. This office has no further Critical Area concerns.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: Kelly Brewington, Acting Town Manager  
SN428-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Chairman



Ren Serey  
Executive Director

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May 11, 2001

Ms. Suzanne Diffenderfer  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, MD 21401

RE: Variance 2000-0356-V, Gregory Fasick - Revised Plans for Board of Appeals

Dear Ms. Diffenderfer:

This office has received a copy of the revised plans for the above referenced variance application that will be heard by the Board of Appeals on May 16, 2001. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and buffer and with disturbance to steep slopes. The property is 1.73 acres in size, is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. The revisions made to the plans since the Administrative Hearing include deletion of a proposed swimming pool and incorporating the garage into the basement level of the dwelling. These changes have helped reduce total proposed impervious surfaces by 2000 square feet and have also reduced clearing.

The revisions certainly have helped minimize impacts. The large circular driveway (with the drive 15 feet in width) could be reduced in size. Also, the environmental report on the property identified a specimen (40" diameter) oak tree on this property to the north of the proposed house site. Its location should be identified and it should be preserved. Also, because clearing of over 25% of forest on site is proposed, reforestation at a 1.5 to 1 ratio should be provided in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA499-00

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 15, 2001

Mr. Steve Cohoon  
Queen Anne's County Planning & Zoning  
107 N. Liberty St.  
Centreville, Maryland 21617

**RE: Four Seasons at Kent Island – Amended Concept Plan  
#CP 04-01-05-0003©**

Dear Mr. Cohoon:

Thank you for providing the amended concept plan to our office for review and comment. Commission staff has reviewed the information provided and we submit the following preliminary comments.

1. On the Compliance Exhibit, the label referring to Item 24(g) should match the language contained in the conditions. Also, the label referring to Item 24(h) (in the middle of plan) is actually referring to Item 24(g). This should be corrected.
2. On the Growth Allocation Plan, there are two areas where the development envelope has not been delineated correctly. First, in the vicinity of the stormwater management pond in the far western corner of the property; the area down to the edge of tidal wetlands must be deducted (as shown it appears as RCA). Similarly, in the vicinity of the stormwater pond on the northwestern side of the bridge crossing Cox Creek, the area waterward of the stormwater pond must be deducted.
3. On the Growth Allocation Plan, the Buffer shown around the tidal pond is not consistently 150 feet in width. Also, it is mislabeled as a 100-foot shore buffer.
4. It appears that most of the Buffers are drawn from the edge of what is labeled as the State Tidal Wetlands Line. Are there any private tidal wetlands on this property? None are currently shown. Private wetlands should be identified. The Buffer should be adjusted and drawn from the landward boundary of any tidal wetland in accordance with Critical Area Criteria and the conditions set forth by the Critical Area Commission.
5. Note #13 on the Growth Allocation Plan states that the permit drawings for the proposed community pier on the Chester River have been submitted to the appropriate agencies. Please provide this information to our office.

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Mr. Steve Cohoon  
May 15, 2001  
Page 2

6. The language used in Note #14, meant to address item 24(f), does not match the language in the condition. Also, although the note states that stormwater management ponds are to be located outside of the 100 year flood plain, it appears that there are stormwater facilities in the flood plain on the site plan.
7. Additional detail is needed on the stormwater management facilities to ensure compliance with the two conditions on Best Management Practices (Items 24(f) and 24(g)).
8. There are opportunities to reduce impacts to the Buffer from the proposed pathway along the Chester River. There are areas where the path could and should meander outside of the Buffer.
9. Clarification is needed on Note #11. If additional erosion control measures are warranted, only non-structural measures shall be used.
10. Please provide more information on the proposed 20-foot wide maintenance road which runs along Cox Creek. What kind of activities will it be used for? What types of vehicles will be using it? How often will it be used? How will it be constructed?
11. Similarly, please provide more information on the proposed "future emergency access to Benton Road."
12. There is a note on the Growth Allocation Plan which states, "1.84 acres of tidal wetlands previously granted growth allocation for LDA designation to be reclaimed by County." Please provide supporting documentation to reclaim this acreage.

Thank you for the opportunity to comment. Additional comments may be forthcoming subject to discussion at the STAC meeting.

Sincerely,



LeeAnne Chandler  
Natural Resources Planner

cc: QC610-99





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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May 16, 2001

Mr. Steven Andraka  
403 Beech Trail  
Crownsville, Maryland 21032

RE: Revised development plan for property on Kyle Road

Dear Mr. Andraka:

This letter is meant to summarize the discussion which took place at a meeting between Commission staff, Commission counsel and yourself on May 16, 2001. The purpose of the meeting was to review revised development plans for property on Kyle Road, which was the subject of a previous variance case (1999-0102-V).

The revised plans which you showed us included a proposed dwelling in the northern (roadside) section of the property, a stormwater management device in the vicinity of the existing farm road down slope from the house, a boat house in the level area which approaches Fox Creek, and a gazebo on the knoll. It appears that a variance to disturb steep slopes would be necessary for the house location. A variance to have an accessory structure in the front yard of a waterfront lot would be necessary for the boat house, though it is outside of the Buffer. A variance from the Buffer requirements would be necessary for the gazebo.

Based on our discussion and the hand-drawn plans which you provided, this office would not have an objection to a variance to allow construction of the dwelling on steep slopes nor an objection to the boat house (provided it is outside of all Buffers). We could not support a variance for the non-water dependent gazebo within the expanded Buffer. The newly proposed location for the dwelling was recommended by this office in the previous variance case. We also discussed mitigation for the forest clearing; you indicated that you think it can be accomplished on site.

Thank you for the opportunity to review your preliminary plans. If you have any questions or concerns as you move forward with your development, please feel free to contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Marianne Mason, Esq.  
Charlene Morgan  
AA148-99

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Judge John C. North, II  
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Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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May 15, 2001

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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The Honorable Murray D. Levy, President  
County Commissioners of Charles County  
P.O. Box 2150  
La Plata, Maryland 20646

RE: Final Amendments to Part I of Article VIII, Chesapeake Bay Critical Area Overlay Zone

Dear Commissioner Levy:

The Critical Area Commission has received your letter and the document entitled, "Final Amendments to Part I of Article VIII, Chesapeake Bay Critical Area Overlay Zone." After reviewing the text revisions listed in the letter in context, they appear to be minor in nature. It is likely that these changes can be handled as a refinement to the County's Program.

In order for the Camp Merrick map change to be processed, supporting documentation is needed. We will need a copy of the site plan for the camp, as well as findings documenting the mistake made at the time of original mapping. Once we receive this information, Chairman North can make a refinement determination and we can process these final changes to the County's Critical Area Program.

Commission staff has also reviewed the final amendments for compliance with the conditions of approval on the previous text amendments set forth by the Critical Area Commission. All of the conditions have been addressed although there appears to be one typographical error. The changes to Section 132(d)(ii) were made with the exception of keeping the word "not" in the second sentence. The brackets [ ] surrounding "not" should be removed and the sentence should begin, "Additional land may not be used in the RCZ...". This typo should be corrected.

Commission staff will contact County Planning Staff to obtain the needed information on Camp Merrick. If there are any questions or concern, please contact me or Ren Serey at (410) 260-3460.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: Mr. Steve Magoon  
Mr. Zakary Krebek  
Mr. Kevin Vienneau  
Mr. Ren Serey

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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May 18, 2001

Mr. Frank McKenzie  
Salisbury/Wicomico County  
Dept. of Planning, Zoning & Community Development  
P.O. Box 870  
Salisbury, MD 21803

RE: Gold Trading Company Subdivision

Dear Mr. McKenzie:

Thank you for providing information on the above referenced subdivision. The applicant is proposing to subdivide a 38.74 acre parcel into three new lots. A portion of the property, 32.63 acres, is located within the Critical Area and is designated RCA. You have indicated that Lot 1 was recorded last year.

Based on the acreage within the Critical Area portion of the property, only one new dwelling unit is permitted in the Critical Area. Lot 2 is the only lot that can be developed within the Critical Area. Lot 1 must be an intrafamily transfer lot in order to be consistent with the County's Critical Area Program. All portions of the development for Lots 3 and 4 (including dwelling, well and septic area) must be located outside of the Critical Area. Please provide a revised plat for our files which shows the new location for the sewage disposal area for Lot 3. The revised plat should also include an appropriate plat note identifying Lot 1 as a bona fide intrafamily transfer.

Thank you for the opportunity to comment on this subdivision. If new or revised information becomes available, please forward it to this office for further review. If you have any questions regarding these comments, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

Cc: WI291-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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May 18, 2001

Ms. Charlene Morgan  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

VIA FACSIMILE

RE: Variance Case Nos. 2001-0083-V and 2001-0084-V, Jacqueline Yates – ADDITIONAL  
COMMENTS

Dear Ms. Morgan:

This office would like to submit additional comments on the above referenced variance applications. The applicant is requesting a variance to permit a sewer line with disturbance to a wetland buffer for Lot 2 and a variance to permit a driveway with disturbance to a wetland buffer for Lot 4. The properties have a split designation of LDA and RCA and are currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. Commission staff was previously concerned that the nontidal wetland on site, particularly the ditch, was actually a stream. After a review of the County soil survey, information available via the Department of Natural Resources, and a visit to the site, I do not believe the ditch is a stream. We do not oppose the variances requested. The site is very low and wet however. We recommend that clearing be kept to the absolute minimum with reforestation provided at a 1 to 1 ratio. Also, future property owners should be made aware of the non-tidal wetlands on these lots and the fact that a typical lawn covered back yard will not be possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler  
Natural Resources Planner

cc: AA160-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0166-V, John Magnolia

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated RCA and is currently developed with a large single family home.

Based on a review of the site plan, it does not appear that a Critical Area variance is necessary for this proposal. The proposed disturbance appears to be entirely outside of the Critical Area Buffer and it does not appear to be located on steep slopes. We do not have any comment on the setback variance. We do recommend that given the large area that will be disturbed during construction and the extensive amount of impervious surfaces on this lot, that stormwater management be provided. Also, the application is not clear as to the exact percentage of proposed clearing of existing woodlands. Reforestation should be required at the appropriate ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA263-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0172-V, Kevin McLean

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently developed with two dwellings, a trailer and four sheds. One of the dwellings is proposed to be razed and removed. This application is for a new dwelling in the vicinity of the one to be removed.

This office does not oppose redevelopment of this property. Impacts should be minimized and the variance requested the minimum to provide relief. Ideally, the property would be redeveloped entirely outside of the Buffer, perhaps in the vicinity of the "north dwelling." Given the location of the existing "south dwelling" there may be some justification for rebuilding on the same footprint. If possible, we recommend that new impervious areas be further minimized. For example, the house could be flipped so the garage is on the east side. This would place the garage in the vicinity of the existing loop driveway and reduce the need for new impervious surface. All runoff from the driveway and house should be directed to the stormwater management facility. We recommend mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer. The Buffer should be a priority location for the plantings, along with areas where existing impervious surfaces are removed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA267-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0173-V, Michael Helfrich

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated IDA and is undeveloped.

Because the property is designated IDA, the variance to disturb steep slopes is not necessary. However, the variance to disturb the expanded Buffer is still required. Provided the lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. Based on the site plan, it appears that all of the lot is within the expanded Buffer. Clearing and grading should be kept to the minimum necessary to allow construction. If it would help reduce impacts, we recommend that the footers for the deck be hand dug. Also, we recommend mitigation for all disturbance within the expanded Buffer at a 3:1 ratio.

The Critical Area report is incorrect with regard to requirements for stormwater management. The 10% pollutant reduction requirement must be addressed in accordance with §1A-104(b) of the County Zoning Ordinance. The drainage improvements alongside the road may not address stormwater quality adequately and may negatively impact the stream. Stormwater quality management should be provided for the proposed houses as well as the road extension.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA268-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0095-V, Frances Boyce


Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an addition to an accessory structure with less setbacks and Buffer than required. The property is designated LDA and is developed with a house and detached office/carport structure. The subject addition has apparently been in existence for several years.

Based on the maps in our office, it appears that the subject lot is Buffer Exempt. The shed is no further waterward than the existing dwelling so it does not appear that a Critical Area Buffer variance is necessary. We have no comment on the setback variance. However, development on this lot has exceeded the allowable amount of impervious surfaces. No further development should be permitted on this lot. If the shed is allowed to remain, we recommend that the impervious areas be mitigated at a 2:1 ratio, with the Buffer as a priority location for planting.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: AA250-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0174-V, Michael Helfrich

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated IDA and is undeveloped.

Because the property is designated IDA, the variance to disturb steep slopes is not necessary. However, the variance to disturb the Buffer and expanded Buffer is still required. Provided the lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. We recommend that the dwelling be moved to the north side building restriction line (7 feet from property line). Doing so would reduce impacts to the 100 foot Buffer significantly. If it would help reduce impacts, we recommend that the footers for the deck be hand dug. Also, we recommend mitigation for all disturbance within the expanded Buffer at a 3:1 ratio.

The 10% pollutant reduction requirement must be addressed in accordance with §1A-104(b) of the County Zoning Ordinance. The drainage improvements alongside the road may not address stormwater quality adequately and, in fact, may negatively impact the stream. Stormwater quality management should be provided for the proposed houses as well as the road extension in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA269-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

May 22, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0151-V, Selma Nettles

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit disturbance to a slope greater than 15%. The property is designated LDA and is currently developed with a dwelling and outbuildings. The proposal for development includes a house, detached garage, barn and riding area.

While the area of steep slopes proposed to be disturbed is a significant distance from the water, the proposed disturbance appears to be related to the design of development on the property rather than any hardship. We recommend that the proposal be redesigned to avoid the steep slopes. Stormwater management should be provided for the significant amount of impervious surface proposed and reforestation should be provided at the appropriate ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA252-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 23, 2001

Mr. Kevin Dooley  
Anne Arundel County Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0127-V, Christopher McCleary

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an inground swimming pool with less setbacks and Buffer than required. The property is designated LDA and is developed with a house and driveway.

This office can not support the variance requested. A swimming pool is a non-water dependent structure and is not permitted within the Buffer or expanded Buffer. It is proposed to be located only 14 feet from the edge of steep slopes. There does not appear to be an unwarranted hardship in this case. The property is developed with a large dwelling with an attached garage. Based on a drive through the neighborhood and a review of aerial photos, a pool does not appear to be a standard amenity in this neighborhood. Instead, it seems that a pool would be a special privilege. While the removal of other impervious helps offset impacts, non-water dependent structures in the Buffer prevent the Buffer from fulfilling its intended functions. While this office is sympathetic to the applicant's desire for a pool, we have no legal basis to support the request.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA232-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 24, 2001

Mr. Ken Ammar  
16409 Accolawn Rd.  
Accokeek, Maryland 20607

Dear Mr. Ammar:

As requested, enclosed please find copies of the photos taken on your property on November 27, 2000.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 24, 2001

Mr. Frank McKenzie  
Salisbury/Wicomico County  
Dept. of Planning, Zoning & Community Development  
P.O. Box 870  
Salisbury, MD 21803

RE: Variance Case No. WA-0140, Charles L. Marshall

Dear Mr. McKenzie:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from the Critical Area Buffer requirements in order to construct a detached garage. The property is designated LDA and is currently developed with a single family dwelling.

Ideally, the proposed garage would be placed outside of the Buffer. The site plan does not show the location of the existing driveway or garage. It appears that the proposed location may be dictated by these site features. It does not appear that the garage could be placed in the front yard due to the septic area. The lot is located in a proposed Special Buffer Area, where staff has determined that the existing extent of development has impacted the functions of the Buffer. Provided that 3:1 mitigation is provided within the Buffer as indicated by the Staff Report, this office does not oppose the variance requested.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler", followed by a horizontal line.

LeeAnne Chandler  
Natural Resources Planner

cc: WI327-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

2001 Staff Correspondence Vol. 1: Hoerger

51832-147-2

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Executive Director

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June 11, 2001

Mr. Chris Colvin  
MNCPPC  
Prince George's County, Dept. of Parks and Recreation  
Planning, Design, & Research Div., Design & Engineering Section  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737

Re: Cedar Haven Park - Revised Reforestation Plan

Dear Mr. Colvin:

Thank you for forwarding the latest revision to the proposed reforestation plan for the Cedar Haven Park project. It appears your agency proposes to plant .64 acres of trees adjacent to existing forested lands on property owned by MNCPPC. This proposed plan is acceptable to Commission staff. Please complete an amended Plantings Agreement Form to reflect this information. I have enclosed another copy of the Planting Agreement for your use. If possible, please return this form within 30 days.

One observation is that the proposed area for planting is .64 acres which is above what was originally required for the project. The original mitigation requirement was for .58 acres. Please clarify this discrepancy.

Thank you for your cooperation. If you have any questions regarding this letter, or need assistance with the Planting Agreement, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

Enclosure

cc: Regina Esslinger, Chief, Project Evaluation

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey  
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

June 12, 2001

Mr. James W. Price, Director  
Program Open Space, E-4  
Tawes State Office Building  
580 Taylor Avenue  
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #3915-2-185  
Bachman Adult Athletic Complex – Phase II, Anne Arundel County

Dear Mr. Price:

Thank you for forwarding this project to our office for review and comment. According to the Critical Area maps, it appears a portion of the Bachman Adult Athletic Complex is within the Chesapeake Bay Critical Area (see enclosed map). Also, it appears the site has a split Critical Area designation of Intensely Developed Area (IDA) and Resource Conservation Area (RCA). Therefore, any future development activities are subject to the Critical Area requirements for IDAs and RCAs.

Since the information submitted to this office does not include a detailed map that depicts the locations of the proposed multi purpose field, two baseball fields, buildings for electrical service, engineering and landscaping, I will outline the requirements for IDAs and RCAs below.

IDA Requirements

For any new or redevelopment activities in the IDA, the applicant must submit 10% pollutant reduction calculations. Otherwise, there are no restrictions on impervious surface limitations or clearing notwithstanding any local zoning restrictions.

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(410) 822-9047 Fax: (410) 820-5093



### RCA Requirements

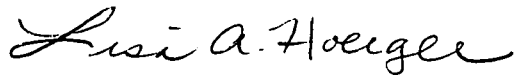
All new or redevelopment activities in the RCA include clearing and impervious surface restrictions. Clearing below 20% requires 1:1 mitigation; clearing between 20% and 30% requires replacement at a 1.5:1 ratio for the entire area cleared; and clearing above 30% requires replacement at a 3:1 ratio for the entire area cleared. Impervious surfaces are limited to 15% of the site in the RCA. This includes existing impervious areas.

The County's Critical Area Program restricts certain types of uses from the RCA. The buildings associated with the recreation complex may not be permitted in the RCA portion of this site. For further information on this issue, contact Ms. Elinor Gawel with the Anne Arundel County Department of Planning and Zoning at (410) 222-7441.

Habitat Protections Areas are protected in the IDA and RCA. Any required buffers or habitat management guidelines must be observed.

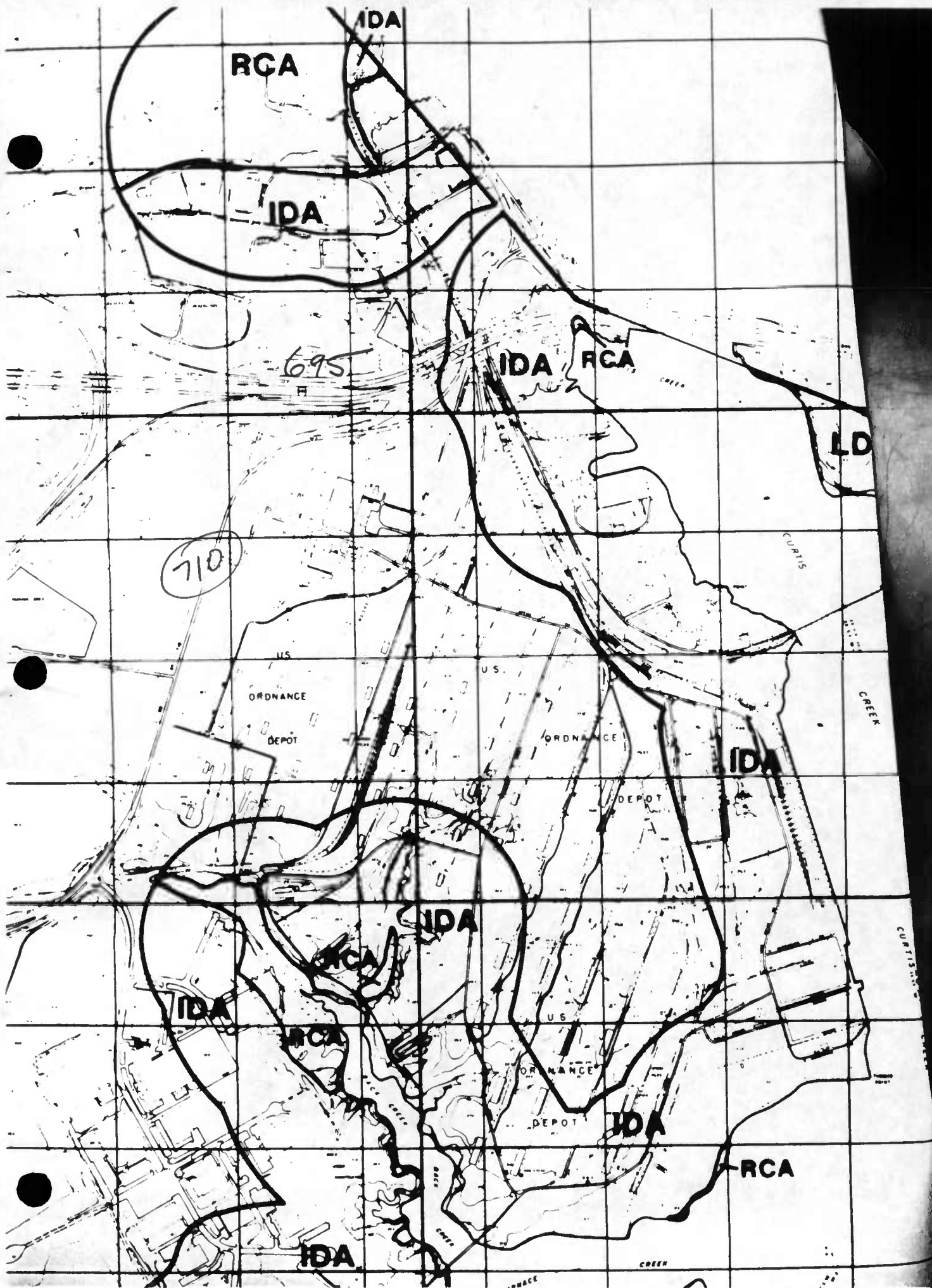
Thank you again for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Elinor Gawel, AA Co.



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

June 11, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Brock Seawell  
S-928

Dear Ms. Verdery:

Thank you for accompanying Claudia Jones and myself to the above-referenced property this morning. Based on the conditions in the field this office offers the following comments:

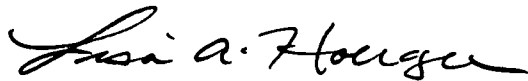
1. It was confirmed in the field that this area serves as possible forest interior dwelling bird (FID) habitat, absent a survey. Any future house location could occur near the proposed sewage disposal area since there was an opening in the forest canopy on a nearby property.
2. If the future lot owner builds a dwelling in this area, then this office would consider the FID guidelines as being met, and mitigation for impacts to FID habitat should occur on a 1:1 basis. The mitigation must be creating new FID habitat. It appears this requirement could be met utilizing the adjacent area that is proposed for afforestation.
3. Any clearing in the future must be reviewed and approved by the County.
4. It appears there are some pockets of nontidal wetlands on the area of the proposed lot. Nontidal wetlands require a 25-foot Buffer. A note should be added to the plat indicating this requirement and the driveway and any other associated development activities should be outside the nontidal wetlands and their 25-foot buffer.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

5. Please forward the letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division as soon as it is available.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Claudia Jones, Science Advisor, CAC  
TC 283-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

June 11, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Jonathon T. McLane  
S -927

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create one lot. This lot was considered as "Remaining Lands" of the Mary Grotto subdivision(S-920) in March of this year. Provided the following items are satisfied by the County, this office does not oppose this request.

1. No future development activities should require the need for variances. This office will not support variances for newly created lots.
2. Reforestation should occur on site, adjacent to existing forested areas.

If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 282-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

June 7, 2001

Mr. Donald Sparklin  
State Highway Administration  
707 N. Calvert Street, 3<sup>rd</sup> Floor  
Planning Division  
Baltimore, Maryland 21202

Mr. John Gerner  
Federal Highway Administration  
Woodrow Wilson Bridge Center  
1800 Duke Street, Suite 200  
Alexandria, Virginia 22314

Dear Sirs:

At it's meeting on June 6, 2001, the Chesapeake Bay Critical Area Commission approved the proposed construction staging area as a conditional approval. The project was approved based on the following conditions:

1. All structures and associated facilities, including gravel, sediment and erosion control measures, stormwater measures, the proposed bulkhead and barge, must be removed from the site, and the site shall be restored to its pre-construction conditions at the conclusion of use by State Highway Administration and its contractors.
2. Mitigation shall be performed at a 3:1 ratio for all disturbances to the 100-foot Buffer. This mitigation may be in the form of plantings off-site.
3. Prince George's County Department of Environmental Resources will assist in the selection of the off-site Buffer mitigation.
4. The Buffer shall be clearly marked in the field using fencing, signs, or some other means in order to clearly delineate the extent of the 100-foot Buffer.

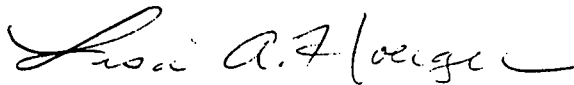
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

5. State Highway Administration shall report to Commission staff every 30 days.

6. All required federal, State and local permits be obtained.

Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Tom Heil, PCC  
Susan Jacobs, SHA  
Samuel E. Wynkoop, Jr., Prince George's Co. DER  
Sherry Conway Appel, Prince George's Co. DER  
Richard Thompson, Prince George's Co. DER

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

June 7, 2001

Mr. Donald Sparklin  
State Highway Administration  
707 N. Calvert Street, 3<sup>rd</sup> Floor  
Planning Division  
Baltimore, Maryland 21202

Mr. John Gerner  
Federal Highway Administration  
Woodrow Wilson Bridge Center  
1800 Duke Street, Suite 200  
Alexandria, Virginia 22314

Dear Sirs:

At its meeting on June 6, 2001, the Chesapeake Bay Critical Area Commission approved the sediment and erosion control plan for Contract MA-1A for the Woodrow Wilson Bridge project. Please forward a copy of the MDE permit to this office when it becomes available.

Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger", followed by a horizontal line.

Lisa A. Hoerger  
Natural Resources Planner

cc: Tom Heil, PCC

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



# ***Chesapeake Bay Critical Area Commission***

## **STAFF REPORT**

**June 6, 2001**

### **ADDENDUM**

**APPLICANT:** Department of Transportation  
State Highway Administration

**PROPOSAL:** Woodrow Wilson Bridge (WWB)  
Construction Staging Area

**JURISDICTION:** Prince George's County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Conditional Approval with Conditions

**STAFF:** Lisa Hoerger

**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.06 - Conditional Approval of State  
or Local Agency Programs in the Critical Area

### **DISCUSSION:**

Since the writing of the original staff report, staff drafted several conditions for consideration by the Commission. Staff recommend the following conditions:

1. All structures and associated facilities, including gravel, sediment and erosion control measures, stormwater measures, the proposed bulkhead and barge, must be removed from the site, and the site shall be restored to its pre-construction conditions.
2. Mitigation shall be performed at a 3:1 ratio for all disturbance to the 100-foot Buffer. This mitigation may be in the form of plantings off-site.
3. Prince George's County will assist in the selection of the off-site Buffer mitigation.
4. The Buffer shall be clearly marked in the field using fencing, signs, or some other means in order to clearly delineate the extent of the 100-foot Buffer.

# ***Chesapeake Bay Critical Area Commission***

## **STAFF REPORT**

**June 6, 2001**

**APPLICANT:** Department of Transportation  
State Highway Administration

**PROPOSAL:** Woodrow Wilson Bridge (WWB)  
Construction Staging Area

**JURISDICTION:** Prince George's County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Conditional Approval with Condition

**STAFF:** Lisa Hoerger

**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.06 - Conditional Approval of  
State or Local Agency Programs in the Critical Area

### **DISCUSSION:**

The proposed site of the construction staging area (CSA) was one of many sites investigated and assessed for potential use by the contractors. Construction staging areas are typically not identified and reviewed as part of the National Environmental Policy Act (NEPA) process, however the sponsoring agencies (Federal Highway Administration, Maryland State Highway Administration, Virginia Department of Transportation, and District of Columbia, Department of Public Works) agreed that given the magnitude of the project in an urban setting with limited available open space, review of construction staging areas would be beneficial to the reviewing agencies, the contractors, and the Project. Since final construction staging area locations and usage are determined by individual contractors, the Project agreed to require the contractor to return to the Commission for approval on individual construction staging areas within the Chesapeake Bay Critical Area, if and when they were selected for use by contractors.

As the first contract (dredging) was completed earlier this year, the next critical step in the construction of the bridge is the foundations. This step included driving piles and pouring large concrete foundations in the Potomac River and on the Virginia landside. The foundations are the sub-grade or underwater components that will support the piers that will support the superstructure on which the roadway is built. The foundations contract was advertised earlier this year and the "apparent low bidder" is Tidewater/Keiwit/Clark Joint Venture ("TKC"). TKC is currently moving forward with

the design of staging areas to facilitate the start of construction as soon as possible upon receipt of "Notice to Proceed". The duration of the foundations contract is approximately two years.

The primary construction staging area proposed for use by TKC is construction staging area (CSA) G-2, located along the Smoot Cove shoreline, south of the existing Woodrow Wilson Bridge, to support the construction of bridge foundations in the Potomac River. This site offers a clear and level parcel of approximately five acres with direct water access.

The CSA-G2 was proposed for use by TKC as the primary construction staging area for the foundations contract. The contractor will be responsible for driving piles and constructing foundation for all outer loop foundations and most of the inner loop foundation (17 in total, 11 in the Potomac River and six on the Virginia landside). The foundations include all of the underground or under water construction necessary to the existing surface. Foundations support the piers, which support the superstructure that in turn supports the roadway.

The duration of the foundations contract is approximately two years. The work associated with this contract is the next step of the critical path to building the outer loop bridge by 2004 so that traffic can be transferred before weight restrictions may be imposed on the existing bridge. The contract documents include severe disincentives if the foundations are not completed in accordance with the specified timeframe, which is based upon the 2004 deadline.

Access to CSA-G2 is provided by an established haul road leading from Oxon Hill Road to the site. TKC proposes to improve the dirt haul road by applying a gravel bed and potentially installing additional check dams along the slope heading down to the riverside. Most of this road is beyond the limits of the 1000' Chesapeake Bay Critical Area.

Utilities will be routed primarily from Oxon Hill Road. Electric and telephone lines will be brought to the site from Oxon Hill Road via overhead poles. Water and sewer will be provided by existing adjacent utility lines.

Most activities have been removed from the 100-foot Buffer area. Only a "lay-down" area remains within the Buffer, which is critical space for inert construction materials (such as steel plates, sheet piles, steel piles, steel forms, and reinforcement bar). Other activities, beyond the 100-foot Buffer, include a concrete batch plant, an aggregate storage area, trailers for TKC, a trailer for MDOT/SHA, mechanical areas, temporary storage buildings, and construction worker parking. These uses have all been located out of the 100-foot Buffer, in spite of limited area beyond that Buffer for a project of this magnitude. The aggregate areas will be contained and the downgradient portion of the site will be fenced with super silt fence.

For transitioning between the land and water, TKC has proposed a pier structure similar to that included in the Project's current permits. Initially, an approximate 100-foot long bulkhead would be constructed along the shoreline (far less than actually permitted for the Project), which will provide a sturdy access to a pier extending only 40 feet into Smoot Cove. Beyond this pier, TKC proposed to float in a 365-foot by 35-foot deck barge and secure it to the 100-foot by 40-foot pier. As the barge is floating and moveable, this method minimizes impact to tidal waters and SAV beds.

Typical activities associated with the site include: batching of concrete for construction of foundations in the Potomac River; conveyance of concrete to the pier for loading in transport barges; storage of aggregates necessary to produce concrete; storage of steel and other materials necessary for construction; light maintenance and welding; deliveries of materials via the haul road; transfer of materials between land and water via trucks, cranes, and barges; crew shift changes; entering and exiting of workers; and administrative duties necessary to facilitate and manage the construction effort.

TKC has committed and the Project will ensure that the site will be maintained in an orderly and tidy fashion and TKC will implement and follow various plans including a sediment and erosion control plan, a stormwater pollution prevention plan, and a spill contingency plan. All appropriate measures will be taken to provide for a safe and environmentally sensitive construction staging area.

The State Highway Administration is seeking conditional approval for the use of a critical construction staging area, located along the Smoot Cove shoreline, south of the existing Woodrow Wilson Bridge, to support the construction of bridge foundations in the Potomac River. In accordance with COMAR 27.02.6, TKC and the SHA provided justification to the Critical Area staff for conditional approval to permit certain activities within the 100-foot Buffer.

## **01 Criteria**

*B.(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;*

The contractor selected the CSA-G2 to stage the most substantial portion of the work- the construction of 11 foundations in the Potomac River. This site offers a clear and level parcel of approximately five acres with direct water access. An additional major advantage is the close proximity to the bridge.

The CSA-G2 site plan submitted by TKC depicts a concrete batch plant, an aggregate storage area, trailers for TKC, a trailer for MDOT/SHA, mechanical areas, adequate parking, a lay-down area (see B.(3)), and a pier. No other staging area was identified in the vicinity of this size and proximity, rendering this site critical to the successful completion of the in-water construction associated with the foundations contract.

Without this site, TKC will not be able to complete the foundation contract in accordance with the rigorous schedule.

Additionally, TKC will be working on the Virginia landside and in the Potomac River concurrently to meet the requisite project schedule. TKC will also be using a construction staging area within Jones Point Park to stage the Virginia portion of the work. This area will be used to the fullest extent possible to support the construction activities on the Virginia side and maintain the rigorous schedule.

*B.(2): That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;*

While CSA-G2 is an integral part of the construction process, it is a temporary site, designed with minimal impact to the environment. The Woodrow Wilson Bridge Project, of which this task and parcel is an integral part of, does indeed provide substantial public benefits to the Program. For instance, as part of the Potomac River Waterfront Community Park, the Project will provide alternative means of transportation (bicycling and walking), increased public access to the Potomac River as part of increased functional and useable recreation space, opportunities for environmental education and restoration, eradication of invasive species, and the establishment of more desirable, native species.

In addition, the staging area provides a critical link to the completion of the Woodrow Wilson Bridge, which will provide a variety of significant public benefits, including a substantially improved transportation corridor, currently in need of repair and serious improvement.

*B.(3)*

*That the project or program is otherwise in conformance with this subtitle.*

The project is otherwise in conformance with this subtitle, as the CSA-G2 site plan submitted by TKC has been revised to include comments and recommendations from both the Commission and the Project. The plan depicts a high level of environmental sensitivity and priority upon avoidance and minimization of impact as almost all activities have been removed from the 100-foot Buffer area. Only a "lay-down" area remains, which is critical space for inert construction materials such as steel plates, sheet piles, steel piles, steel forms, and reinforcement bar. Other activities include a concrete batch plant, an aggregate storage area, trailers for TKC, a trailer for MDOT/SHA, mechanical areas, temporary storage containers, and adequate parking. These uses have all been located outside the 100-foot Buffer, in spite of limited area beyond that Buffer for a project of this magnitude. The aggregate areas will be contained and the downgradient portions of the site will be fenced with super silt fencing. TKC has committed and the Project will ensure that the site will be maintained in an orderly and tidy fashion and TKC will implement and follow various plans including a sediment and erosion control plan, a stormwater pollution prevention plan, and a spill contingency plan.

C.(1)

*A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;*

As stated above in B.(1), CSA-G2 is an integral and critical component of the Foundations Contract and the WWB Project as a whole. The literal enforcement of the provision would prevent the support necessary to complete the construction of the 11 foundations in the Potomac River, which in turn would prevent the transfer of traffic from the existing bridge to the proposed outer loop span by 2004. Due to the deteriorating condition of the existing bridge weight restrictions may be required beyond 2004. This would force a substantial amount of heavy truck traffic through Washington DC or onto a much longer and arduous detour route (such as the west and north side of the Capital Beltway or MD Route 301).

C.(2)

*A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;*

TKC, in conjunction with the Project will work with the Commission staff and subcommittee to maintain commitments and resolve issues such as mitigation (see C (3)). The Project will meet with the Commission staff bi-weekly until the mitigation plan is agreed to by the Commission and the Project. Beyond the mitigation task, TKC and the Project will meet quarterly (on site, if deemed appropriate by the Commission) to discuss site issues, maintenance, and mitigation progress (as necessary). The Project has committed to keep the public and interested parties informed through press releases and public meetings as the Project continues.

C.(3)

*Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.*

As the CSA-G2 parcel is located in an IDA zone, the parcel is subject to the 10% Rule. This rule requires that pollutant loads generated from a developed site be reduced to a level at least 10% below the load generated at the same site prior to development. This is typically carried out through stormwater management (SWM) design. Due to other activities proposed adjacent to G2, the site is constrained in relation to the magnitude of required activities for the foundation contract, thus no opportunities for SWM exist to reduce pollutants from runoff.

Mitigation for the 10% Rule is currently being resolved between TKC, the Project, and CBCAC staff. Several options are being reviewed including reforestation and fee-in-lieu.

As reforestation would require a separate effort for site selection, site design (planting plan), site approval, a procurement process, and planting, it would not be feasible to complete reforestation before the slated mobilization at CSA-G2. The final determination of appropriate mitigation will be determined by the Commission and TKC, supported by the Project, is committed to completing the required and agreed to mitigation in a timely manner, being fee-in-lieu, reforestation, or other acceptable means.

#### Remaining Critical Area Issues

The site does not support other Habitat Protection Areas (HPAs). The only HPA that occurs on the proposed site is the 100-foot Buffer to the Potomac River. Proposed activities in the Buffer are the subject of this conditional approval.

The site is mapped as an Intensely Developed Area (IDA). While 10% pollutant reduction calculations are usually required for sites in the IDA, this disturbance is temporary; therefore, it was agreed upon by Critical Area Commission staff and staff of Prince George's County that the 10% pollutant removal requirement will be the responsibility of the ultimate developer of this site. The contractor is required to restore this area to its original state once operations cease. The owner/developer of this property will propose a development plan and will be responsible for 10% pollutant reduction calculations.

The sediment and erosion control plans were reviewed and are pending final approval by the Maryland Department of the Environment. That approval is expected within the next few days of the writing of this staff report (5/23/01).

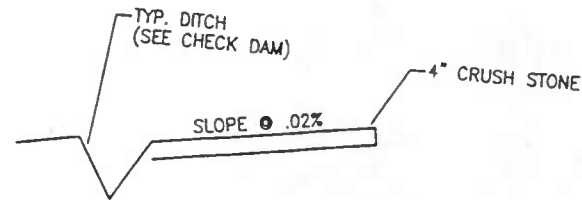
Commission staff contacted staff of Prince George's County Department of Environmental Resources to obtain comments. Those comments are pending, but will be reported to the Commission at its meeting.

If the Commission confers conditional approval for this activity, staff recommends the following condition:

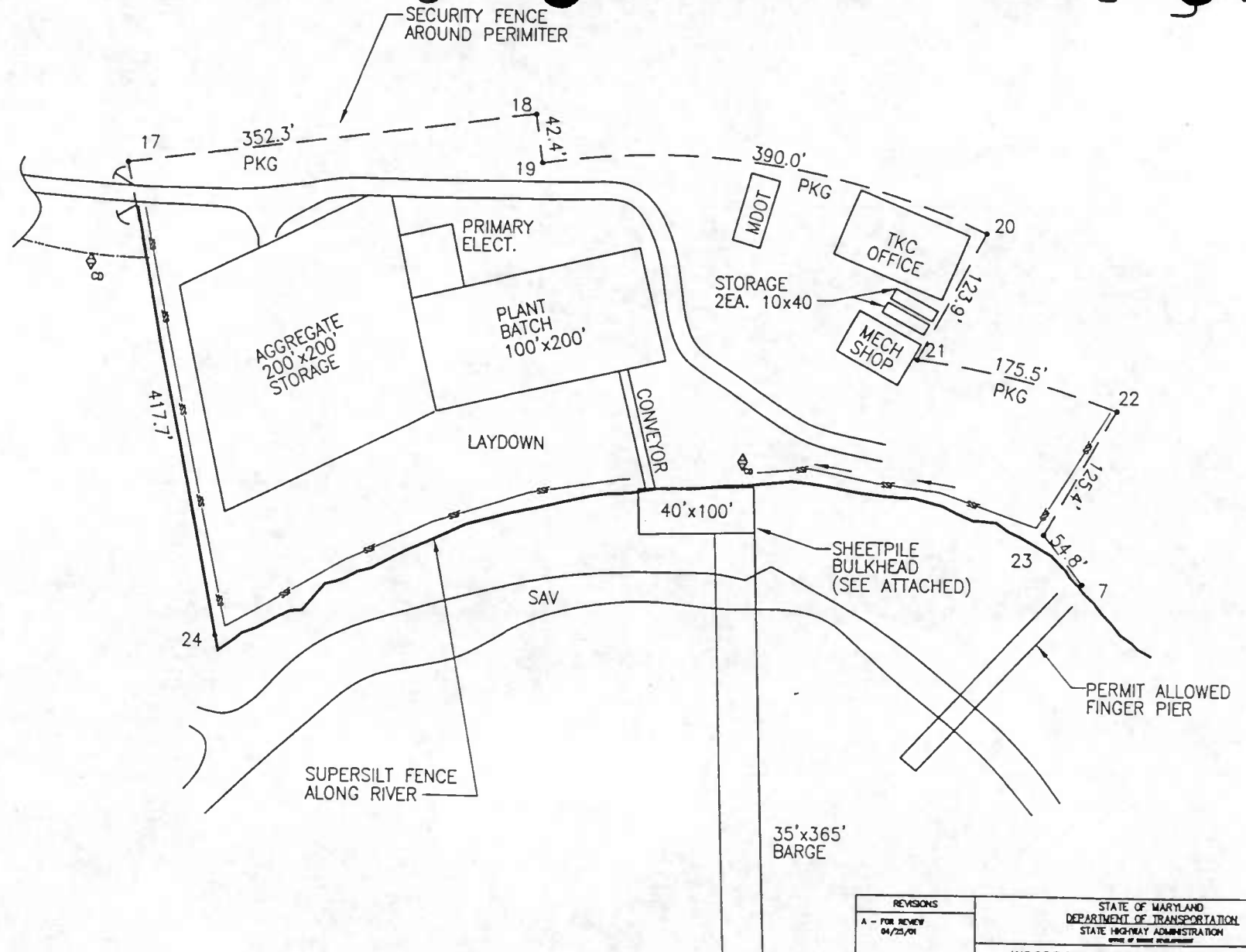
*Mitigation is performed at a 2:1 basis for all disturbance to the 100-foot Buffer. This mitigation may include plantings within the watershed.*

# Woodrow Wilson Bridge - Construction Staging Area

not to scale



CROSS SECTION OF HAUL ROAD  
NTS



FIELD OFFICE SITE PLAN  
1"=100'

TKC JOINT VENTURE

TDC 2250-SA-01

REVISIONS	STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION OFFICE OF BRIDGE DEVELOPMENT
A - FOR REVIEW 04/25/01	WOODROW WILSON MEMORIAL BRIDGE ON I-95 / I-495 OVER THE POTOMAC RIVER PROPOSED STAGING AREA
SCALE: AS SHOWN CONTRACT NO. PC3415173R / F.A.P. NO. DPWW-M013(14)M	DATE: APRIL 10, 2001
DESIGNED BY: CWA	
DRAWN BY: TLP	
CHECKED BY:	

SHEET OF



# ***Chesapeake Bay Critical Area Commission***

## **STAFF REPORT**

**June 6, 2001**

**APPLICANT:** Department of Transportation  
State Highway Administration

**PROPOSAL:** Woodrow Wilson Bridge (WWB), Contract MA1A  
Sediment and Erosion Control Plan

**JURISDICTION:** Prince George's County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval with conditions

**STAFF:** Lisa Hoerger

**APPLICABLE LAW/  
REGULATIONS:** COMAR 27.02.05 - Development in the Critical Area  
Resulting from State and Local Agency Programs

### **DISCUSSION:**

The Woodrow Wilson Bridge Project is moving forward with the construction of the proposed bridge to replace the existing Woodrow Wilson Bridge. The first contract (dredging) was completed earlier this year and bid opening for the bridge foundation contract occurred on March 22, 2001. The next critical element of construction to be undertaken will be the development of the Maryland abutment for the bridge (Contract MA1A). This abutment will be located near the western end of Rosalie Island. The anticipated "Notice to Proceed" for Contract MA1A is August 8, 2001. The duration of the WWB Abutment Contract is approximately two years.

The work area for Contract MA1A is within the 1000' Chesapeake Bay Critical Area Boundary. Portions of the work also lie within the 100' Critical Area Buffer and Smoots Cove/Potomac River. The work generally consists of placement of fill material, both on Rosalie Island and within Smoots Cove. This fill material will provide the foundation for the eastern approach to northbound I-95. Due to existing soil conditions at the site, the work will progress in stages in order to monitor the consolidation of the underlying soil formations. Additional fill material will be placed at the site to shorten the length of time necessary for the underlying soil to reach the necessary consolidation.

An established haul road leading from Oxon Hill Road to the site will provide access to MA1A. Improvements to the dirt haul road will be completed by applying a gravel bed and potentially installing additional check dams along the slope heading down to the riverside. Most of this road is outside of the 1000' Chesapeake Bay Critical Area Boundary.

This Contract (MA1A) was approved by the Commission at its meeting in December when the Commission voted to approve the stormwater management design for compliance with the 10% Pollutant Reduction Rule with several conditions. Because of the large scope of this project, the construction will occur in several phases, hence multiple contracts. One condition of the approval of the stormwater management facilities was to ensure that as the contracts progress, any changes to either the stormwater management or erosion and sediment control plans shall be resubmitted to the Commission for review and approval.

The sediment and erosion control plan is the issue before the Commission. This plan is solely for the activities associated with Contract MA1A and requires approval by the Commission. The sediment and erosion control plan includes a modified high super silt fence adjacent to the limit of disturbance along the Potomac River and Smoots Cove. This practice includes a 72" high fabric to filter sediment laden stormwater runoff prior to being discharged from the construction site. The practice also includes supporting posts to be installed 96" into the ground in order to provide additional support against overturning of the practice.

These plans were approved by the Maryland Department of the Environment. The plans were also enhanced at the request of the Project Subcommittee in order to ensure impacts from this phase of construction were minimized to the extent possible. The project team has met with Mr. Dave Bourdon on March 21, 2001 and again on May 18, 2001 to discuss design enhancements to the erosion and sediment control plan prepared for the project.

The Project will ensure that the site will be maintained in an orderly and tidy fashion and the Contractor will assign an Erosion and Sediment Control Manager (ESCM). The ESCM will be responsible for the inspection with the Engineer the erosion and sediment controls on a daily basis and after storms, among other duties. A quality assurance rating system will be used by the Administration to monitor the performance of the sediment control measures and the Contractor's maintenance of them. The rating will also be used cause corrective actions to be taken to ensure proper function of the sediment control measures for the protection of the environmental resources adjacent to the project. All appropriate measures will be taken to provide for a safe and environmentally sensitive construction area.

#### Permits from the Maryland Department of the Environment (MDE)

Due to the requested changes to the sediment and erosion control plan from the Project Subcommittee Chair Dave Bourdon and MDE, the final permits are pending approval from MDE. The requested changes are being incorporated into the plans, and those plans will be resubmitted shortly. The Project expects final approval to occur within the next few weeks.



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

June 4, 2001

Mr. Robert Cuthbertson  
MDE, Water Management Administration  
Tidal Wetlands Division  
2500 Broening Highway  
Baltimore, Maryland 21224

RE: Michael Wilson, 01-WL-1652

Dear Mr. Cuthbertson:

Thank you for forwarding the above-referenced permit to this office for review and comment. The applicant proposes to construct 140 linear feet of stone revetment with a maximum of 35 feet channelward of mean high water. This office defers to your office regarding the method of shore erosion control for this site.

However, we are concerned about the extent of the revetment into Glebe Bay. I have not visited the site, but according to the 1999 Submerged Aquatic Vegetation (SAV) survey, this area supports *Z. palustris*. Disturbance to these aquatic resources should be the minimum necessary. The structure should be scaled back to minimize disturbance to this species of SAV provided the integrity and purpose of the structure is not comprised. We defer to your expertise concerning this issue.

Any clearing of vegetation associated with the cut and fill needs to be replaced at a 1:1 basis.

Thank you for the opportunity to comment. Please do not hesitate to contact me with any questions or concerns at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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May 24, 2001

Mr. Chris Colvin  
MNCPPC  
Prince George's County, Dept. of Parks and Recreation  
Planning, Design, & Research Div., Design & Engineering Section  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737

Re: Cedar Haven Park - Plan of bioretention area plantings and bank stabilization

Dear Mr. Colvin:

Thank you for forwarding the plan for the bioretention area and bank stabilization of the Cedarhaven Park project. The proposed shrub species are acceptable for the bioretention area. Thank you for your consideration of the planting the existing bank along the Patuxent. Given the type of use this area receives, we concur that the most suitable alternative would be to reseed the bank for stabilization.

As a follow-up issue, please forward the remaining plans for the revised reforestation area. The plan should include the total number of acres planned for reforestation and the method proposed such as natural regeneration or plantings (assuming planting is the method selected).

Please forward the final revised plan to me within 30 days if possible. Thank you for your cooperation. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Regina Esslinger, Chief, Project Evaluation

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

May 23, 2001

Ms. Elinor Gawel  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6402  
Annapolis, Maryland 21401

Re: BEA Request for the Charles F. Delavan Property

Dear Mr. Gawel:

I would like to offer comments regarding the request of Charles F. Delavan to designate his property as a Buffer Exemption Area (BEA). Based on the information submitted and a site visit to the property, this office cannot support the designation of this lot as a BEA.

The Critical Area Criteria in COMAR 27.01.09.01.B (8) states that a BEA designation may be appropriate "...where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial or recreational development in the Critical Area" prevents the Buffer from fulfilling its functions relating to habitat and water quality. Generally, Commission staff has found that it is difficult to evaluate a single lot and determine that it meets the criteria for BEA designation. Even if the entire subdivision in this case was taken into consideration, we still cannot find a pattern of development that prevents the Buffer from fulfilling its functions.

The County is required to make specific findings regarding the Buffer on sites proposed for designation as a BEA. In §1A-109 (f) of the County's Zoning Ordinance, it is stated that findings shall be made that the existing pattern of residential industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling the following functions:

- (1) providing for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the bay and its tributaries;
- (2) minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;
- (3) maintaining an area of transitional habitat between aquatic and upland communities;
- (4) maintaining the natural environment of streams; and
- (5) protection of riparian wildlife habitat.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

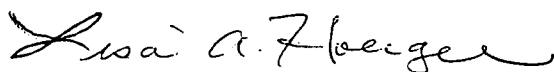
Ms. Gawel  
Page Two  
May 23, 2001

After reviewing aerial photographs and visiting the site, this office cannot make the findings as required in COMAR or the County's Zoning Ordinance. The Buffer is fully vegetated with a mix of canopy, understory and a herbaceous layer of native species. This Buffer is fully functioning according to the findings outlined above; therefore, it does not qualify as a BEA.

In a recent court decision regarding the designation of the Buffer Exemption Areas, the Court directed a local government to address the criteria for buffer exemptions, specifically to find that the existing Buffer will not perform the functions outlined in the Criteria. Since that decision was received by the Commission in March 1999, the Commission has required that local governments make specific findings when mapping BEAs (case enclosed). The court case cites COMAR 27.09.01 B and C as the findings that must be made with regard to mapping new BEAs. These findings include those found in the County's Zoning Ordinance and that are outlined above.

Thank you for the opportunity to comment. Please advise the Commission of the County's determination for this lot. Please telephone me with any questions or concerns at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

Enclosure

cc: Ms. Mary Owens, CBCAC

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 24, 2001

Ms. Penny Chalkley  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6302  
Annapolis, Maryland 21401

Re: Collision Property – S 92-201, P 00-231

Dear Ms. Chalkley:

I have received the resubmittal for the above-referenced subdivision. It appears the applicant addressed the comments from my letter of November 13, 2000. I have outlined a few remaining comments below.

1. It appears the LOD on proposed lot 1B is no longer inside the 100-foot Buffer. The LOD should appear more clearly on the plan since it is close to the edge of the Buffer. This may help to ensure the Buffer is not disturbed as a result of construction.
2. This office still has not received copies of the 10% pollutant reduction calculations. Please forward those calculations.
3. The site plan indicates the site supports Elkton Silt Loam. Where is this pocket of hydric soil located?

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 550-00

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 23, 2001

Ms. Kelly Krinetz  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

Re: Goettee Property  
S #1999-089, P #1999-152

Dear Ms. Krinetz:

I have received the revised sketch plan for the above-referenced subdivision request. Since I just received the plans, I believe these comments will arrive after the County's deadline. The applicant made significant changes since the last sketch plan was reviewed by this office. I have outlined our comments below based on the sketch plan dated 3/23/01.

- 1) It appears there will be some disturbance to steep slopes, the nontidal wetland buffer and the 100-foot Buffer to an intermittent stream for the access road. It is my understanding there are no alternatives to access the site. If this is the case, then this office does not object to the proposed location of the access road; however, all efforts should be made to minimize these impacts, including reducing roadway widths.
- 2) Since many of the proposed lots contain areas of steep slopes, a note should be added to the plat alerting future homeowners and the homeowners association that no disturbance is permitted in these areas absent a variance. This office will not support variances for new development activities on newly created lots; therefore, these areas might be platted as community-owned land rather than private lots.
- 3) Since the nontidal wetland buffer is impacted by a portion of the entrance the applicant should be in contact with the Maryland Department of the Environment Nontidal Wetlands Division regarding permits.

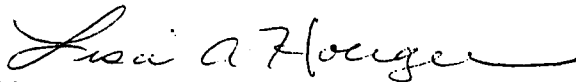
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



- 4) Proposed Lot 3 requires disturbance to steep slopes to access the developable portion of the lot. Generally, this office does not support this type of disturbance for new lots that are part of a larger subdivision. If this were the only developable portion of a single lot or parcel, and disturbance to an HPA were the only alternative, this office would have no objection. We understand the applicant proposes to remove some debris in this area; however, it is not clear whether this action constitutes a reason to disturb the slopes unless slope disturbance will occur as a result of the debris removal. Without more detailed information, it is difficult for this office to make that determination.
- 5) A note should be added to the plat indicating the allowable impervious area remaining for each lot.
- 6) Given the amount of clearing proposed, the applicant is required to reforest at a 1.5:1 ratio. We understand a portion of that required reforestation will occur on site. Has the applicant identified the off-site reforestation area?
- 7) A majority of the forest retained occurs on proposed lots. A note should be added to the plat alerting future residents and the homeowners association that clearing is prohibited in these areas absent a forest management plan from the County.
- 8) It is not clear from the information provided how the issue of stormwater will be addressed for this subdivision. It appears the existing pond that serves the Riva Trace community will not be used. Please provide this information when it becomes available.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 415-99

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**  
**1804 West Street, Suite 100**  
**Annapolis, Maryland 21401**

**MEMORANDUM**

To: Commission Members

From: Mary Owens and Lisa Hoerger

Date: May 18, 2001

Subject: Update on Anne Arundel County Council Bill #78-00

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At the next monthly meeting of the Commission, panel chairman James Foor will provide the full Commission with an update of the progress to date of Anne Arundel County Council Bill #78-00. As you may recall, this bill was drafted to provide for Buffer Exemption Area standards for Government Reuse Facilities. At the Commission's April meeting, the County requested that the matter be placed on hold.

Since that time staff and panel members have met with the County to discuss the language in the Bill. Attached is a copy of the latest draft of Bill 78-00. If you have any questions, please do not hesitate to contact us at (410) 260-3460.

Attachment

DRAFT\*\*\*\*\*DRAFT\*\*\*\*\*DRAFT

ARTICLE 28 ZONING  
Title 1A. Critical Area

1A-109. Buffer exemption and enhancement program.

(b) A buffer exemption may be applied on[:

(1)] land that is designated as a "buffer exemption area" shown on buffer exemption area maps permanently on file in the Office of Planning and Zoning; and

[(2)] (1) legally recorded lots, subdivided parcels or parcels within the mapped buffer exemption area that were created on or before December 1, 1985[.] ; OR

(2) GOVERNMENT REUSE FACILITIES.

(c) EXCEPT FOR A GOVERNMENT REUSE FACILITY, [All] ALL building permit applications for lots or parcels within the buffer exemption area shall be reviewed by the Office of Planning and Zoning to determine whether the application meets the following criteria for approval of a buffer exemption:

(D) WITHIN A GOVERNMENT REUSE FACILITY, THE OVERALL DEVELOPMENT PLAN SHALL COMPLY WITH THE FOLLOWING BUFFER EXEMPTION AREA CRITERIA:

**(1) ANY DEVELOPMENT ACTIVITY WITHIN THE 100-FOOT BUFFER SHALL MINIMIZE IMPACT TO THE BUFFER;**

**(2) A VEGETATED BUFFER SHALL COVER NO LESS THAN 25% OF THE TOTAL AREA WITHIN THE 100-FOOT BUFFER, PROVIDED THAT VEGETATED AREAS OF LESS THAN 10 FEET IN WIDTH SHALL NOT BE COUNTED TOWARD THE 25% MINIMUM;**

**(3) THE VEGETATED BUFFER MAY VARY IN WIDTH;**

**(4) EXISTING BUILDING FOOTPRINTS AND OTHER IMPERVIOUS SURFACES MAY BE RELOCATED, PROVIDED THAT SUCH RELOCATION: (I) RESULTS IN A NET REDUCTION IN TOTAL IMPERVIOUS SURFACE WITHIN THE 100-FOOT BUFFER; AND (II) DOES NOT LOCATE ANY BUILDING CLOSER TO THE WATER THAN EXISTING BUILDINGS, 25 FEET FROM THE LANDWARD EDGE OF A WATERFRONT REVETMENT, OR 25 FEET, WHICHEVER IS GREATER;**

**(5) MITIGATION FOR ALL DEVELOPMENT ACTIVITY WITHIN THE 100-FOOT BUFFER SHALL BE REQUIRED AND MAY BE ACCOMPLISHED BY:**

**(I) COMPLYING WITH THE PROVISIONS FOR NEWLY DEVELOPED IMPERVIOUS SURFACE AS SET FORTH AT (C) (5) OF THIS SECTION; OR**

**(II) REMOVING IMPERVIOUS SURFACE IN AN AMOUNT EQUAL TO THE IMPERVIOUS SURFACE ADDED, REPLACED, OR OTHERWISE DISTURBED; OR**

**(III) A COMBINATION OF (I) AND (II) ABOVE;**

**(6) EXISTING NATIVE VEGETATION MAY NOT BE REMOVED FROM THE 100-FOOT**

**BUFFER, EXCEPT IN ACCORDANCE WITH AN APPROVED BUFFER MANAGEMENT PLAN DESIGNED TO ENHANCE THE BUFFER; AND**

**(7) THERE SHALL BE A NET DECREASE OF AT LEAST 10% OF THE TOTAL IMPERVIOUS SURFACE WITHIN THE 100-FOOT BUFFER.**

**(E) THE BUFFER EXEMPTION DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION AND THE BUFFER EXEMPTION CRITERIA DESCRIBED IN SUBSECTION (D) OF THIS SECTION SHALL NOT APPLY TO A SITE OR ANY PART OF A SITE THAT:**

**(1) NO LONGER MEETS THE DEFINITION OF A GOVERNMENT REUSE FACILITY UNDER ARTICLE 28, \*1-101(27A) OF THIS CODE;**

**(2) IS NOT DEVELOPED IN ACCORDANCE WITH AN OVERALL DEVELOPMENT PLAN THAT SATISFIES THE REQUIREMENTS OF ARTICLE 28, \*2-302(B)(5A)(VI) OF THIS CODE; OR**

**(3) IS ADMINISTRATIVELY OR LEGISLATIVELY REZONED TO A DIFFERENT ZONING CLASSIFICATION THAT DOES NOT INCLUDE THE REQUIREMENTS FOR A GOVERNMENT REUSE FACILITY DESCRIBED IN ARTICLE 28, \*\*1-101(27A) AND 2-302(B)(5A)(VI) OF THIS CODE.**

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SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days from the date it becomes law.

Prepared By: Sally Iliff  
Jim Cannelli  
Betty Dixon  
Reviewed By: Linda Schuett  
Denis Canavan  
Proofed By: JoAnne Gray

C:\TEMP\dtrevdrft.wpd  
November 15, 2000



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 18, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: William Ewing, Jr.  
L-852

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. The applicant proposes a lot line revision to make lot 3 a minimum three-acre lot. We understand both lots existed prior to December 1, 1985 and are therefore afforded grandfathered status. However, the proposed revision creates less buildable area on lot 4R which will result in more disturbance to the Buffer on lot 4R. We recommend the lot line remain intact for the purpose of maintaining more buildable area on lot 4 R.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 279-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 18, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Jane Blades  
L-851

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. Provided the lot line revision will not result in any need for variances to accommodate future development, this office has no comment.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 278-01

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Judge John C. North, II  
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May 18, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Anthony J. Watson  
S-926

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create two lots. I have outlined our comments below.

1. The 100-foot Buffer shall be reestablished on this lot. The plantings should be a mix of canopy, understory, shrub and herbaceous layer of native species.
2. There should be sufficient areas to accommodate all new development activities without the need for a variance. This office will not support variances for proposed development activities on newly created lots.
3. At present, it appears both resulting lots will be able to meet the impervious surface limitation of 15%; however, the area of a driveway to serve Lot 2 has not yet been determined.
4. Since the existing forest cover was not provided, it is difficult to determine whether the proposed afforestation figures are correct. Please verify these figures. In any case, the afforestation can be used to reestablish the 100-foot Buffer.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 281-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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May 18, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Peter W. Marth  
S-925

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create one lot from a parcel labeled as "remaining lands" of a larger parcel that was subdivided in November 1985. I have outlined our comments below.

1. The 100-foot Buffer shall be reestablished on this lot. The plantings should be a mix of canopy, understory, shrub and herbaceous layer of native species.
2. There should be sufficient areas to accommodate all new development activities without the need for a variance. This office will not support variances.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 284-01



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 18, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: The Knapp Foundation  
S-929

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to subdivide one lot from the existing parcel. I have outlined our comments below.

1. We recommend the applicant ensure the area of the proposed lot can accommodate all future development activities outside the 100-foot Buffer.
2. The County should ensure the impervious surface total is accurate. Does it include the area of the driveway?
3. It appears afforestation was addressed and is the required acreage figure is correct. The location of the afforestation area is acceptable since it is within the 100-foot Buffer to the tidal pond. We encourage that some plantings might occur along the shoreline of the Tred Avon River.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 284-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 18, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: William Walke  
Appeal # 1186

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicant proposes to construct a 75-foot by 5-foot timber pier extension with four mooring piles, boatlift maximum of 225 feet channelward of mean high water. This office has no comment regarding the encroachment issue.

We have no objection to the requested pier provided no Habitat Protection Areas (HPAs) in Broad Creek will be impacted. The HPAs include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

Thank you for the opportunity to comment. Please telephone me if you have additional questions or if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 294-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 15, 2001

Mr. Christopher Wilson, Chairman  
Anne Arundel County Board of Appeals  
Arundel Center  
Annapolis, Maryland 21401

RE: Bay Ridge Properties  
BA 50-00A, BA 12-01A, BA 13-01A

Dear Chairman Wilson:

I am writing on behalf of the Chesapeake Bay Critical Area Commission to state the Commission's position on the above-referenced appeals. The applicant has appealed the County's Permit Application Center's denial of building permits #B02152773 and #B02152773 and grading permit #G02007913. The Commission wishes to state that it supports the County's determination that these permits should not be issued until the subject lots have completed the proper subdivision review process.

It is our understanding that the applicant asserts that these lots are not subject to the subdivision approval process. We understand that the case before the Board appears to be a simple matter of the issuance or denial of building and grading permits; however, we agree with the County that the property at issue in this case should be subject to the subdivision process in 2001.

As we understand the situation, a decision exempting these lots from the subdivision review process could have potentially grave consequences for a far greater number of lots in the Bay Ridge community, which could be similarly exempted under the same legal theory. If the subdivision process is not required, no Critical Area review will occur. This issue is paramount because without the subdivision review process, certain reviews, including review for clearing limitations, impervious surface limitations, density restrictions, and review for Habitat Protection Areas, will not occur. To allow new development to occur in the Critical Area without Critical Area review is not in accordance with the spirit and intent of the Critical Area Program.

The Commission views this case as important because of the potential precedent that the Board may set for other parcels near the subject lots. If there is no thorough review through the subdivision process, important environmental issues may be overlooked. For example, our office has been informed that certain contiguous areas of forest may support Forest Interior Dwelling Bird species. These species are sensitive to development and human activities and the development of these habitat areas require special design.

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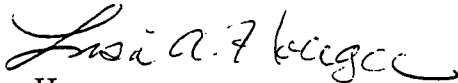
Mr. Wilson  
Page Two  
May 15, 2001

Perhaps most important is the fact that certain similarly situated parcels in the Bay Ridge community are designated as a Resource Conservation Area (RCA), which limits density to one dwelling unit per twenty acres. Especially in the sensitive RCA, the environmental effects of proposed development must be carefully evaluated under the County's laws and regulations, including the Critical Area Program.

On behalf of the Chesapeake Bay Critical Area Commission, I recommend that the Board consider the effect of this decision on the County's review processes, which are designed to permit development where it can be accommodated in an appropriate and sensitive manner. The County's Critical Area Program should apply to these lots as it was originally intended when the local Critical Area Program was first implemented.

Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this case.

Sincerely,



Lisa Hoerger  
Natural Resources Planner

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.

  
Custodian of Record

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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May 15, 2001

Mr. Terrance E. Valentine  
Environmental Programs Unit Coordinator  
Water and Sewer Design Section  
Washington Suburban Sanitary Commission  
14501 Sweitzer Lane  
Laurel, Maryland 20707-5902

Re: WSSC Contract 99CM2551-A  
Swan Harbor Sewer Replacement

Dear Mr. Valentine:

Thank you for providing me with an updated Plantings Agreement for this project. I understand the project is completed and your agency is currently stabilizing the area; therefore, you intend to plant in November 2001. I will contact you in late November to arrange for a site visit.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Wayne Black, WSSC

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
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Ren Serey  
Executive Director

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May 11, 2001

Mr. Robert Cuthbertson  
MDE, Water Management Administration  
Tidal Wetlands Division  
2500 Broening Highway  
Baltimore, Maryland 21224

Re: 01-WL-1433, Millennium Inorganic Chemicals

Dear Mr. Cuthbertson:

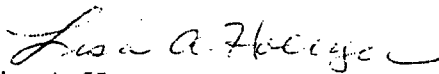
I have received the above-referenced project to construct a gabion emergency spillway, outfall structure, repair and fortify a dam, and install a discharge pipe. We defer to your office with construction activities that will occur below mean high water.

From the plans submitted, it appears there will be clearing and grading above mean high water. All clearing and grading within the 100-foot Buffer must be mitigated at a 1:1 basis for activities associated with shore erosion control and at a 3:1 basis for all other activities. The 100-foot Buffer is measured from the landward edge of mean high water of tidal waters, tributary streams, and tidal wetlands.

Any disturbance to areas with Submerged Aquatic Vegetation should be minimized and avoided. If this area of the Patapsco River is anadromous fish spawning habitat, activities are prohibited between March 1 and May 15 (COMAR 27.01.09.05).

I understand there may be a meeting in the near future to discuss this project. Please notify me of this meeting or any field meetings associated with this project. I can be reached at (410) 260-3478.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: AA Co. Tidal Wetlands File

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 11, 2001

Mr. Robert Cuthbertson  
MDE, Water Management Administration  
Tidal Wetlands Division  
2500 Broening Highway  
Baltimore, Maryland 21224

Re: 01-WL-1369, MD Department of Budget and Management

Dear Mr. Cuthbertson:

I have received the above-referenced project to emplace 15.9 miles of fiber optic cable from Annapolis to Stevensville by trenching, directionally boring and attachment to existing bridges over tidal waters. We defer to your office with construction activities that will occur below mean high water; however, any disturbance to tidal waters, tributary streams or tidal wetlands should minimize impacts, especially in areas where Submerged Aquatic Vegetation is present. In the case of anadromous fish spawning habitat, activities are prohibited between March 1 and May 15 (COMAR 27.01.09.05).

We are concerned with any disturbance above mean high water, especially both permanent and temporary disturbance to the 100-foot Buffer which is measured from the landward edge of mean high water of tidal waters, tributary streams, and tidal wetlands. Any clearing associated with this construction requires mitigation in the form of plantings.

If you have any questions, please call me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: AA Co. Tidal Wetlands File

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Ren Serey  
Executive Director

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May 11, 2001

Mr. Robert Cuthbertson  
MDE, Water Management Administration  
Tidal Wetlands Division  
2500 Broening Highway  
Baltimore, Maryland 21224

Re: 01-WL-1474, Dimitri Sfakivanudis

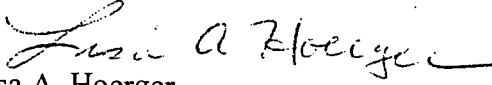
Dear Mr. Cuthbertson:

I have received the above-referenced project to expand an existing 11-slip marina to 70 slips for the purpose of marina expansion. We defer to your office concerning the proposed marina configuration; however it is my understanding this shoreline supports Submerged Aquatic Vegetation (SAV). Disturbance to any Habitat Protection Area (HPA) should be avoided or minimized. If this area of Selby Bay is also anadromous fish spawning habitat, construction activities are prohibited between March 1 and May 15 (COMAR 27.01.09.05).

While we support non-structural means for shore erosion control, it should not replace other important habitat areas or HPAs such as SAV. We request that your evaluation of the proposed marsh creation for this project take this issue into account.

Thank you for the opportunity to comment. If you have any questions concerning the above comments, I can be reached at (410) 260-3478.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: AA Co. Tidal Wetlands File

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 9, 2001

Ms. Penny Chalkley  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Wayson Properties, Inc.  
Formerly C #00-003, S # 98-110 and P #00-045

Dear Ms. Chalkley:

I have received the final resubmittal for the above-referenced property. It is my understanding that proposed Lot 2 will be redeveloped; therefore the applicant is required to submit 10% Pollutant Reduction calculations since the site is in the Intensely Developed Area. In a previous submission the applicant performed this calculation and determined that 20.96 pounds of phosphorous would need to be removed. The applicant selected a trench design.

The current plan slightly reconfigures proposed Lot 2, therefore the calculation needs to be performed again to accommodate for the change in area which may also include changes in existing and proposed impervious areas. Please have the applicant forward the calculations to this office when they become available.

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 98-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401  
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May 8, 2001

Lori Allen  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Broomfield Manor/Hugel Property  
S 78-114, P 97-269

Dear Ms. Allen:

Thank you for forwarding the final development plans for the Broomfield subdivision request. It appears the comments from my previous letters dated January 29, 1998 and July 24, 1998 have been addressed. My only remaining comment is with regard to the proposed species selected for the Critical Area Reforestation Area. We recommend the applicant consider using a mix of trees and shrubs. The current list proposes only tree species. If shrub species are added, they should also be native species.

Thank you for the opportunity to comment. If you have any questions, please call me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 40-98

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
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Ren Serey  
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401  
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May 7, 2001

Ms. Janet Vine, Chief Maryland Section Northern  
Department of the Army  
P.O. Box 1715  
Baltimore District, U.S. Army Corps of Engineers  
Baltimore, Maryland 21203-1715

Re: Anne Arundel County Department of Public Works  
Locust Cove, off Bodkin Creek, Anne Arundel County Maryland

Dear Ms. Vine:

Thank you for forwarding the above-referenced project to this office as part of the Public Notice. In addition to the Anne Arundel County Department of Public Works, it is my understanding that three additional property owners request a permit to dredge spur channels to improve navigable access. It is also my understanding that various sections of the proposed dredging will impact Submerged Aquatic Vegetation (SAV). Disturbance to these aquatic resources should be the minimum necessary.

Another important aquatic species that may occur in the project area is anadromous fish. The Code of Maryland Regulations at §27.01.09.05 provides for the protection of anadromous fish propagation waters. This protection includes that instream work be prohibited between March 1 and May 15.

If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Robert Cuthbertson, MDE -Tidal Wetlands Division  
AA Tidal Wetlands File

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 4, 2001

Mr. Lori Allen  
MS 6303  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Brice Manor West  
S 00-027, P 00-247

Dear Ms. Allen:

Thank you for forwarding the preformal approval of the above-referenced site plan. It appears the comments of our last letter dated December 14, 2000 have been addressed. I have outlined one remaining issue below.

In the Critical Area Calculation Table it states that Lot 4 will have no clearing allowed; however, the septic area is partially in the critical area, and it seems as though clearing may be necessary for this activity. If so, the table should be amended to reflect this allowance for clearing, and to ensure the total clearing will still remain under 20%.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: AA591-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 2, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Warren Wolbert, S 918

Dear Ms. Verdery:

Thank you for forwarding the revised plan dated 4-9-01 for the above-referenced subdivision.

1. Has the County received a letter from the Department of Natural Resources, Heritage and Biodiversity Division indicating the presence or absence of any rare, threatened or endangered species that may be utilizing this site? Final plat approval should not occur until this letter is received and any issues have been addressed.
2. It appears the impervious surface calculations for proposed Lot 2 have not been corrected. Please have the applicant amend the total existing impervious surface figure and the total allowable impervious surface figure.
3. The areas indicated as afforestation areas are not labeled with acreage figures, therefore it is difficult to determine whether the afforestation requirement has been adequately met. Please have the applicant provide those figures.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 106-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 2, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Jamaica Point  
M-1000

Dear Ms. Verdery:

Thank you for forwarding the concept plan for the above-referenced subdivision. I have provided our comments below.

1. Since the use of the land will be converting from an agricultural use to a residential use, the 100-foot Buffer must be established. The Buffer should consist of native species and include a variety of canopy trees, understory trees and shrubs and herbaceous plants.
2. It appears there may be some pockets of tidal and/or nontidal wetlands in the area proposed as lots 6 and 7. Tidal wetlands require a 100-foot Buffer and nontidal wetlands require a 25-foot Buffer.
3. All tributary streams also require a 100-foot Buffer from the edge of the banks. Access to the proposed lots should not require a variance due to a stream crossing unless it is the only way to access the lots.
4. All proposed lots should be of sufficient size to accommodate new development activities (i.e. dwellings, accessory uses, septic systems, wells) outside the 100-foot Buffer or any other designated Habitat Protection Area.
5. Please forward the environmental report and the letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division as soon as they are available.

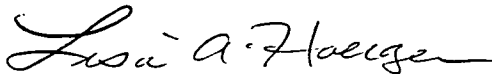
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Ms. Verdery  
Page Two  
May 2, 2001

6. The other potential issue that may affect this subdivision is the presence of Delmarva Fox Squirrels. We defer to the U.S. Fish and Wildlife Service and DNR regarding the determination of whether these species utilize this site, and if so how to manage for these species.
7. The parcel should contain a minimum of 15% forest cover otherwise afforestation is required. Please provide the existing forest cover figures.
8. It is not clear what the requested number of lots are for the proposed subdivision. The site plan indicates in the notes a total of nine lots, however 17 lots are shown. Please clarify. Are existing lots 1 through 8 already platted and proposed lots 9-17 the lots that are part of the requested subdivision?
9. How was the density generated for a total of 17 lots when the site plan indicates only 191.8 acres are in the Critical Area?
10. The access road serving lots 9-17 is reserved against development. This should not be part of the 22.2 acres that is reserved since it is part of the development activity. It should also be included in the impervious surface calculations.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Scott Smith, DNR  
TC 228-01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

May 2, 2001

Mr. Lawrence W. Hill, Landscape Architectural Supervisor  
Park Planning and Development Division  
Maryland-National Capital Park and Planning Commission  
Department of Parks and Recreation  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737

Re: Colmar Manor Community Park, Service Road Renovation

Dear Mr. Hill:

Thank you for your letter regarding the above referenced project. Your agency proposes to apply gravel to an existing compacted dirt road for service vehicles that maintain the adjoining ball fields. Since there will be no additional impervious area, no additional clearing, and the activity will not impact any Habitat Protection Areas, formal approval by the Chesapeake Bay Critical Area Commission is not required. Therefore, no additional information is required unless the plans change.

You may wish to contact the Prince George's County Department of Environmental Resources (DER) to determine whether a CBCAC conservation plan may be required. The person to contact is Richard Thompson at (301) 883-5919.

Thank you for your cooperation. If you have any questions, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Richard Thompson, PG DER

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-3093



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 27, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Levin Harrison  
M-998

Dear Ms. Verdery:

Thank you for forwarding the revised preliminary/final plat for the above-referenced subdivision. I have provided our comments below.

After our site visit it appears that much of the existing parcel is or could be considered impervious area with the exception of the area of proposed lot one. Subdivision of this parcel would not be problematic except that the resulting lots will exceed their respective impervious surface limitations either now or in the future. Therefore, this office cannot support a subdivision request.

We recommend the applicant consider growth allocation to an IDA in order to subdivide this parcel. An IDA designation would eliminate the impervious surface issues that are otherwise problematic when subdividing in an LDA. In lieu of an impervious surface limitation, the IDA designation would require the applicant to meet the 10% Pollutant Reduction Rule for all new or redevelopment activities in the IDA. This requirement typically results in some type of stormwater management device or plantings.

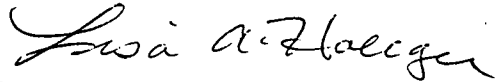
The last submittal to this office did not include any additional environmental information including a letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division. The only additional information was a note of the plat regarding the Delmarva Fox Squirrel. We defer to the U.S. Fish and Wildlife Service and DNR regarding the determination of whether these species utilize this site, and if so how to manage for them.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Ms. Verdery  
Page Two  
April 27, 2001

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Scott Smith, DNR  
TC 107-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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April 27, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Waterloo  
M-999

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create a total of three lots from one parcel in the Limited Development Area (LDA). Below I have outlined some comments concerning the sketch plan.

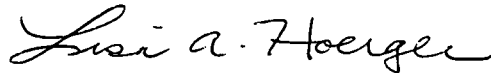
1. On Tuesday, we drove past this site and discovered that not all environmental features were shown. Please ensure that the applicant includes the existing forested area on future plans and any other pertinent environmental features that may exist such as streams or wetlands.
2. The impervious surface limitations, including the existing impervious areas should be provided in a table on future plans. The area of impervious surface on the lot labeled "Remaining Land" should not exceed 15%.
3. A letter from the Department of Natural Resources, Heritage and Biodiversity Division should be obtained before final approval. Please forward a copy of that letter when it is available.
4. It appears the current site has sufficient forested area based on the notes that no afforestation will be required; however, the area of the 100-foot Buffer must be reestablished on the area of proposed lot 2 since the use of the land appears to be changing from an agricultural use to a residential use. Also, reforestation will be necessary for any proposed clearing of existing forested area.

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Ms. Verdery  
Page Two  
April 27, 2001

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 227-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

April 27, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Edwin Clinton Wadsworth, L-849

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to perform a lot line revision of this site. This office has no objection to the proposal; however, I have outlined some comments below.

1. When we drove past this site last Tuesday, there were some fallen trees and vegetation on the site. Please consult with the applicant to determine whether these trees were cut from this property. If they were cut within the Critical Area, they will require replacement.
2. The revised lines may make it difficult for the applicant to develop proposed Lot 5 without impacting a nontidal wetland or its 25-foot buffer. We recommend the applicant consider revising the lot line at this time to accommodate future development that will not impact this resource.
3. No afforestation is required as the plan indicates the site has 32% forest cover. However, any clearing will require reforestation. Does this 32% forest cover incorporate the vegetation in #1?
4. Why is lot 5 approved for community sewer and lot 4 is not?
5. We defer to the U.S. Fish and Wildlife Service and DNR regarding the determination of whether Delmarva Fox Squirrel utilize this site, and if so how to manage for them.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

CC: TC 226-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 26, 2001

Mr. James W. Price, Director  
Program Open Space  
Tawes State Office Building, E-4  
Annapolis, Maryland 21401

Re: Pelorus Marina, Kent County  
POS Project #3904-14-52

Dear Mr. Price:

Thank you for forwarding the above-referenced project to this office for review and comment. This office has no comment regarding the acquisition of this site by the Department; however, we would like to take this opportunity to relay to your office the relevant sections of COMAR that would apply to this site should it be expanded in the future.

Once this property is acquired and becomes lands of the State, or of the local jurisdiction, it is subject to COMAR 27.02.03 and/or 27.02.04. The difference between these two sections of COMAR is essentially that the approval process of the Commission is different. COMAR 27.01.03.06A and D Marinas and Other Water-Dependent Commercial Maritime Facilities state:

A. New or expanded marinas and related facilities may be permitted in the Buffer within intensely developed areas and limited development areas subject to the requirements of Regulation .03A of this chapter; and...

D. New and existing marinas shall meet the sanitary requirements of the Department of the Environment as required in COMAR 26.04.02.

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Mr. Price  
Page Two  
April 26, 2001

The environmental standards are found at COMAR 27.01.03.03A which state:

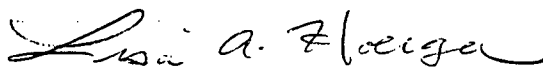
A. Except as otherwise provided in this chapter, new or expanded development activities may be permitted in the Buffer in intensely developed and limited development areas provided that it can be shown:

- (1) That they are water-dependent;
- (2) That the project meets a recognized private right or public need;
- (3) That adverse effects on water quality and fish, plant, and wildlife habitat are minimized;
- (4) That, insofar as possible, nonwater-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer; and
- (5) That the facilities are consistent with an approved local plan as set forth below.

I have checked the Critical Area maps for the Town of Rock Hall and the property proposed for acquisition is designated as an Intensely Developed Area (IDA) in the Critical Area. Therefore, any plans for future expansions should be according to the criteria that address IDAs.

Thank you for the opportunity to comment. If I can provide additional information or assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Gail Owings, Kent County Planning Office

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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April 26, 2001

Ms. Lori Allen  
MS 6303  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Bodkin Point, Section III – Lots 1-3  
Administrative Lot Line Change

Dear Ms. Allen:

I have reviewed the administrative plat submittal for lots 1-3 of the Bodkin Point III subdivision. This office has no objection to any lot line adjustments; however, we have a few questions concerning this request.

1. It appears the area set aside for the septic reserve area no longer exists. Will the septic reserve areas now be accommodated on each lot?
2. The 30-foot wide septic easement is also not shown on this plan. Is that also being eliminated?
3. The site plan we received for this lot line adjustment request was a topographic map with the new lot lines superimposed on it. Lot 4 is not shown. Is that because its lot lines will not be changing as a result of this request?
4. Will the lot lines of the portion of lot 1 that is located across Riverside Drive be changed? This was also not shown on the site plan provided.
5. Has the land originally noted on the 1996 plat as future County land been dedicated to the County yet?

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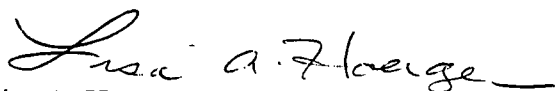


Ms. Allen  
Page Two  
April 26, 2001

These questions were generated based on an examination of the previous plat submitted to this office in October of 1996. The County should ensure the septic reserve areas are accommodated as they were in 1996 prior to any approvals.

Thank you for the opportunity to comment. If you have any questions of me, please do not hesitate to telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger", followed by a horizontal line.

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 247-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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April 12, 2001

Mr. Chris Colvin  
MNCPPC  
Prince George's County, Dept. of Parks and Recreation  
Planning, Design, & Research Div., Design & Engineering Section  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737

Re: Cedar Haven Park  
Revised Reforestation Plan

Dear Mr. Colvin:

Thank you for stopping by on Monday with the revised reforestation plans for the Cedar Haven Park project. Staff reviewed your proposal to locate the .58 acres of required reforestation to an alternative site owned by your agency, the Maryland National Capital Park and Planning Commission (MNCPPC). The alternative site is acceptable.

The issue now becomes whether your agency will put an easement on existing forested area or whether you will plant the .58 acres of forest. The preference for forest mitigation is to create forested area in order to replace the area cut. We accept natural regeneration as a means for accomplishing this objective.

Another issue that requires some clarification is the type of plantings that will occur with the bioretention area. In a previous letter we recommended that shrub species suitable for the soil conditions be planted in this area. Please include a plantings plan of this area. Also, in a previous letter we inquired about the type and number of low shrub plantings that are proposed along portions of the existing bank to help stabilize it where possible. Please forward a plan for this area.

I have enclosed another copy of the Planting Agreement for your use. Please use this form to indicate how the tree clearing associated with the parking area will be handled. When completing the Plantings Agreement Form, please indicate the amount of clearing in square feet. If possible, please return this form within 30 days.

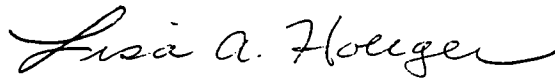
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Mr. Colvin  
Page Two  
April 12, 2001

In regard to the bioretention area and the bank area, please forward those plans and list of species proposed for these areas as soon as they are available. The figures for these areas are not required as part of the Planting Agreement, however, we would like to have these plans on file.

Thank you for your cooperation. If you have any questions regarding this letter, or need assistance with the Planting Agreement, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Regina Esslinger, Chief, Project Evaluation

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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April 12, 2001

Mr. Douglas Novocin, P.E.  
Engineering Division  
Maryland Transportation Authority  
303 Authority Drive  
Baltimore, Maryland 21222-2200

Re: Police Memorial Garden Project at MdTA Police Headquarters, Baltimore County  
Critical Area Buffer Planting Plan

Dear Mr. Novocin:

Thank you for forwarding the Critical Area Buffer Planting Plan for the Police Headquarters at the Francis Scott Key Bridge. Staff have reviewed the plan and determined that it is acceptable as an effort to reestablish the 100-foot Buffer in native vegetation. Please forward the Planting Agreement to this office within 30 days if possible. Once we receive the Planting Agreement, we will schedule this project as an informational item for the Project Subcommittee in order to update them on the plan they requested as part of the approval of this project.

Thank you for your cooperation with this project. As always, it is a pleasure working with you.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Larry Okpolor, MDTA  
Claudia Jones, CBCAC

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Chairman



Ren Serey  
Executive Director

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April 9, 2001

Mr. Chris Soldano  
MS 6301  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Poplar Point, Lot 40R  
S 85-072, P 01-070

Dear Mr. Soldano:

I have received the request to revise the plat for the above-reference property. The applicant proposes to revise the current plat to reflect the accurate location of the well and septic area. This office has no comment. I have reviewed a site plan from a previous variance request for this property and it appears the well and septic area were shown in a locations very close to the ones shown on the current plat.

Thank you for the opportunity to comment. Please telephone me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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April 5, 2001

Ms. Sue Holland, Project Manager  
Maryland National Capital Parks and Planning Commission  
Park, Planning and Development Division  
6600 Kenilworth Avenue  
Riverdale, Maryland 20737

Re: Henson Creek Trail Extension  
Proposed Alignment

Dear Ms. Holland:

This letter serves as a follow-up to the conversations we had at our field visit to the above-referenced site on March 13, 2001. As you are aware, the Chesapeake Bay Critical Area Commission must approve all State and local agency actions in the Critical Area. The Henson Creek Trail Extension, as proposed, will require Commission approval.

As discussed in the field, this project involves several issues that pose concern to Commission staff and will be problematic for the Project Subcommittee. The members of the Project Subcommittee have extensive knowledge of site plan review and will make a recommendation concerning the proposal to the full, 27-member Commission.

Based on the possible alignments we discussed in the field, this project will require conditional approval. The conditional approval process is outlined in COMAR §27.02.06 (enclosed). Essentially, it requires State and/or local agencies to address several conditions in order to qualify for approval by the Commission. You can find those conditions listed in the regulations.

Below I have outlined those issues that are of concern and may require the alignment to be reconsidered.

1. A portion of the proposed alignment runs parallel to the shoreline of Broad Creek. It is also within the 100-foot Buffer to Broad Creek. This alignment is problematic for the Commission since the trail is proposed in the 100-foot Buffer. The clearing and

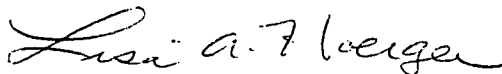
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impervious surface impacts associated with the trail through this section will provide adverse impacts to the creek over the long term. The Guidance Paper provided to you at the site meeting outlines the Commission's guidelines for public walkways (enclosed). The guidelines suggest that the proposed alignment may not be the optimum place for a trail.

2. Also, it is our understanding that MNCPPC has an easement through several riparian lots along this section of the trail alignment. The impervious surface associated with the trail will negatively affect the individual homeowner's impervious surface limitations in that the impervious area of the trail on each lot will count against that property owner's allowable impervious surface limits. MNCPPC should provide some notice to lot owners concerning this issue. If MNCPPC owned this land fee simple, then the impervious surfaces created by the trail would be the responsibility of MNCPPC.
3. Other portions of the proposed alignment may impact the expanded Buffer for steep slopes. Without a site plan delineating the proposed alignment and the extent of the Buffer, it is difficult to provide guidance. The Buffer is measured in the field from the landward edge of the mean high water line of tidal waters, tributary streams and tidal wetlands. However, it appears that some degree of grading and fill may be necessary to accommodate the trail through these areas. The Project Subcommittee has not looked favorably upon this type of activity in the Buffer or on steep slopes based on previous projects.
4. Finally, all clearing must be mitigated for at a 3:1 ratio for all disturbance to the Buffer and expanded Buffer, and at a 1:1 ratio for all clearing outside the Buffer that is under 20% of the site area. The 3:1 ratio will be calculated based on square footage of area cleared. It can be calculated on a tree-by-tree basis only if selected trees are being removed; however, since clearing understory also constitutes clearing, it is likely the clearing will be calculated on a square footage basis. In this case, the site area would be the area of the community open space and where the trail runs through the individual lots, clearing will be counted against each lot's total allowable clearing. Again, MNCPPC should provide notice to lot owners concerning this issue.

I would like to extend my thanks to yourself and Mr. Fred Shaffer for including Commission staff in the site visit and discussions of the Henson Creek Trail Extension. Commission staff is available to meet with you to discuss these issues further. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

Enclosures

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 30, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Andre Van Hoek  
Special Exception #1180

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 175' by 6' timber pier extension to an existing 125' pier, including two mooring piles and a boat lift. The proposed pier extension will encroach 300' into the channel. This office has no comment regarding the encroachment issue.

We have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in the Miles River. Habitat Protection Areas include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division. From the information provided, it appears nearby areas of Submerged Aquatic Vegetation will not be impacted.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 194-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 29, 2001

Ms. Lori Allen  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Dutchship Pointe  
S # 99-093, # 99-165

Dear Ms. Allen:

Thank you for forwarding the final development plans for the above-referenced project. It appears the comments outlined in previous letters from this office have been addressed. I have outlined two additional points below.

1. There appears to be one mistake on the final development plans in that proposed Lot 1 is labeled as Lot 3.
2. In regard to Dobbins Island, it is not clear why most of the island is labeled as a Forest Conservation Area. If this area is being used to satisfy reforestation requirements related to the development of the other lots, it should be labeled to reflect that action. By labeling it Forest Conservation Area it appears to suggest this area is set aside to satisfy requirements of Maryland's Forest Conservation Act, which only applies outside the Critical Area.
3. Also, there appears to be an area that bisects the Forest Conservation Area on the Dobbins Island parcel. What is the purpose of this linear path through this area?

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 433-99

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Executive Director

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March 22, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Richard Egan  
L-884

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. From the information provided it appears the resulting lots will not be nonconforming with respect to the County's Critical Area regulations; therefore, this office has no objection to the revision as currently proposed.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

CC: TC 168-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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March 22, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Back Creek Enterprises  
S-921

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to subdivide the existing parcel into two lots. It appears proposed Lot 1 will exceed the impervious surface limitations for a VC (LDA) as currently proposed; therefore, the new lot would be nonconforming with respect to the impervious surface limitations. It is not clear whether the other lot would also be nonconforming. In order for the County to approve this request, it appears a growth allocation to IDA would be necessary.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 166-01

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Chairman

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Executive Director

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March 22, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Sunrise Assisted Living Foundation  
L-847

Dear Ms. Verdery:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. It appears the applicant proposes to consolidate three lots and a contiguous area labeled "Parcel No. Two" into on lot labeled "Lot 3R". Since this site is in an RCA, once this change is made no further subdivision can occur. Also, provided the resulting lots will not be rendered nonconforming with respect to the County's Critical Area regulations, this office has objection to the proposed revision.

Thank you for the opportunity to comment. Please contact me if you need additional information or assistance from this office.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

CC: TC 167-01

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(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 22, 2001

Ms. Elinor Gawel  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6402  
Annapolis, Maryland 21401

Re: Rose Haven Water System  
Consistency Report

Dear Ms. Gawel:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report and the accompanying Critical Area Study this office agrees that the project is consistent with the Anne Arundel County Critical Area Program.

However, there is one issue that requires attention by the County. The Critical Area Study indicates the site is adjacent to 300 acres or greater of contiguous, forested lands that may support Forest Interior Dwelling Birds; therefore, we believe the County should require the applicant to adhere to the FID mitigation requirements found in the Commission's Guidance Paper dated May 2000.

In a discussion with Ms. Penny Chalkley of Planning and Zoning, the County intends to collect a fee-in-lieu of tree planting for the clearing that will occur on this site. Since the applicant has minimized clearing to the extent possible and clearing will occur within the 300-foot forested edge, we believe the applicant has met the FID guidelines. The mitigation for projects that meet the FID guidelines is at a 1:1 ratio. Since fees will be collected for this project, these monies should be set aside for the purpose of creating new FID habitat elsewhere in the County.

The Commission is pleased with the County's diligence in applying the FID Guidance Document. In order to ensure that FID habitat is being replaced in the County, a method for tracking FID fee-in-lieu monies must be created. One example might be to create a dedicated

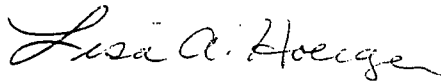
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Ms. Gawel  
Page Two  
March 22, 2001

fund that is separate from the other fees collected for reforestation. Please inform Commission staff if the County has considered this issue as it requires attention. We realize tracking fees has not been separated in the past and understand the County has had difficulty in this regard, however, the Commission has asked staff to ensure local jurisdictions are replacing FID habitat with FID habitat lost.

Commission staff is available to assist the County with creating a means for tracking FID reforestation monies. If I can provide you with assistance, please telephone at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Penny Chalkley, Planning and Zoning

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 22, 2001

Ms. Penny Chalkley  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Coxby's Estates, Section III, Reserved Parcel  
S 95-030, P 00-126  
Final Subdivision Re-submittal

Dear Ms. Chalkley:

We have received the final re-submittal for Coxby's Estates, Section III for review and comment. Based on the point-by-point response letter to Mr. Steve Callahan dated February 26, 2001, it appears the applicant has adequately addressed our outstanding comments. However, there are several issues that need to be addressed prior to final recordation.

1. As you may know, we have met with the applicant to discuss the final details regarding the issue of mitigation for tree clearing in Forest Interior Dwelling Bird (FID) habitat. We agree that the applicant has met the guidelines outlined in the Commission's guidance document for FID habitat, therefore mitigation at a 1:1 ratio is acceptable with the understanding that any reforestation or fees that are collected must create new IFD habitat.
2. After reviewing the proposed easement language and accompanying exhibits, it appears the entire area outside the building envelope will not be set aside in a conservation easement. It was our understanding that the remaining areas of each lot outside of the limits of disturbance would be maintained in a conservation easement. This needs to be resolved prior to final recordation.
3. We did discuss with the applicant the possibility of allowing a small area near the shoreline for an area of passive recreation for the lot owners. However, exhibit #4 does not clearly indicate the location or acreage set aside for this purpose. This needs to be clarified.

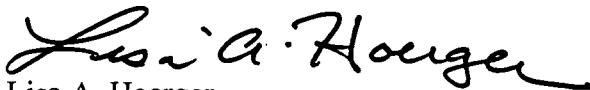
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Ms. Chalkley  
Page Two  
March 22, 2001

4. The notes indicate an area(s) of active recreation area consisting of 23,907 square feet or .55 acres is located on site. I could not locate this area on the plans. In any case, there should not be any active recreation areas on either lot 22 or 23 since this is FID habitat.
5. The notes also indicate there is a community access easement. It was our understanding that there would be no community access through either lot to the shoreline. Please clarify.

Thank you for the opportunity to comment. Please telephone me if you have any questions, or if I can provide additional assistance.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 143-01





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 21, 2001

Mr. Dan Cowee  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Ayres Growth Allocation Request

Dear Mr. Cowee:

This letter serves to correct my previous letter dated March 13, 2001 concerning the above-referenced growth allocation request. I just received a corrected version of the condition in which there are some minor differences. I have bolded the text that is changed from the condition that was previously provided in the March 13 letter.

*The 100-foot Buffer must be established and maintained in natural vegetation sufficient to ensure the water quality and habitat functions specified in the Critical Area Criteria. A plat note shall be placed on the plat and appropriate language inserted in each deed to ensure that the Buffer on each lot is **established and maintained**. **The plat notes and draft deed language** shall be reviewed and approved by Commission staff.*

Please ensure the language of this condition is reflected in the follow-up paperwork at your office. Thank you for your attention to this matter. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC Amendment File

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**  
**1804 West Street, Suite 100**  
**Annapolis, Maryland 21401**

**MEMORANDUM**

To: Anne Arundel County Panel – Dr. James Foor, Chairman, Judith Evans,  
Barbara Samorajczyk, David Cooksey, Jim McLean

From: Lisa Hoerger

Date: March 21, 2001

Subject: Panel Meeting to Consider Anne Arundel County Bill #78-00

---

The Anne Arundel County Panel meeting is scheduled for March 27, 2001. The panel members will meet at the Commission offices located at 1804 West Street, Suite 100 Annapolis, Maryland 21401 at 8:00 a.m. Shortly thereafter the panel will conduct a site visit at the David Taylor Research Center. Following the site visit the panel will reconvene at the Commission offices to discuss the information gathered at the public hearing and information gathered subsequent to the public hearing up until the closing date of March 16, 2001.

The Commission staff received additional written comments that the panel needs to review. They are too lengthy to include in this transmittal; however, staff will brief you on these documents and make them available to you at the meeting.

If you have any questions or need directions to the office, please do not hesitate to contact me at (410) 260-3478.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 19, 2000

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: APC Realty & Equipment Company, Appeal # 1160

Dear Ms. Verdery:

Thank you for forwarding the updated site plan for the above-referenced special exception request. The applicant has relocated the requested tower 800 feet southwest of the original location. From the information provided it appears the proposal is still not within the Critical Area; therefore, this office has no comment regarding this request.

Thank you for the opportunity to comment. Please telephone me if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 542-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**  
**1804 West Street, Suite 100**  
**Annapolis, Maryland 21401**

**MEMORANDUM**

To: Commission Members

From: Mary Owens and Lisa Hoerger

Date: May 18, 2001

Subject: Update on Anne Arundel County Council Bill #78-00

---

At the next monthly meeting of the Commission, panel chairman James Foor will provide the full Commission with an update of the progress to date of Anne Arundel County Council Bill #78-00. As you may recall, this bill was drafted to provide for Buffer Exemption Area standards for Government Reuse Facilities. At the Commission's April meeting, the County requested that the matter be placed on hold.

Since that time staff and panel members have met with the County to discuss the language in the Bill. Attached is a copy of the latest draft of Bill 78-00. If you have any questions, please do not hesitate to contact us at (410) 260-3460.

Attachment

DRAFT\*\*\*\*\*DRAFT\*\*\*\*\*DRAFT

ARTICLE 28 ZONING  
Title 1A. Critical Area

1A-109. Buffer exemption and enhancement program.

(b) A buffer exemption may be applied on[:

(1)] land that is designated as a "buffer exemption area" shown on buffer exemption area maps permanently on file in the Office of Planning and Zoning; and

[(2)] (1) legally recorded lots, subdivided parcels or parcels within the mapped buffer exemption area that were created on or before December 1, 1985[.] ; OR

(2) GOVERNMENT REUSE FACILITIES.

(c) EXCEPT FOR A GOVERNMENT REUSE FACILITY, [All] ALL building permit applications for lots or parcels within the buffer exemption area shall be reviewed by the Office of Planning and Zoning to determine whether the application meets the following criteria for approval of a buffer exemption:

(D) WITHIN A GOVERNMENT REUSE FACILITY, THE OVERALL DEVELOPMENT PLAN SHALL COMPLY WITH THE FOLLOWING BUFFER EXEMPTION AREA CRITERIA:

(1) ANY DEVELOPMENT ACTIVITY WITHIN THE 100-FOOT BUFFER SHALL MINIMIZE IMPACT TO THE BUFFER;

(2) A VEGETATED BUFFER SHALL COVER NO LESS THAN 25% OF THE TOTAL AREA WITHIN THE 100-FOOT BUFFER, PROVIDED THAT VEGETATED AREAS OF LESS THAN 10 FEET IN WIDTH SHALL NOT BE COUNTED TOWARD THE 25% MINIMUM;

(3) THE VEGETATED BUFFER MAY VARY IN WIDTH;

(4) EXISTING BUILDING FOOTPRINTS AND OTHER IMPERVIOUS SURFACES MAY BE RELOCATED, PROVIDED THAT SUCH RELOCATION: (I) RESULTS IN A NET REDUCTION IN TOTAL IMPERVIOUS SURFACE WITHIN THE 100-FOOT BUFFER; AND (II) DOES NOT LOCATE ANY BUILDING CLOSER TO THE WATER THAN EXISTING BUILDINGS, 25 FEET FROM THE LANDWARD EDGE OF A WATERFRONT REVETMENT, OR 25 FEET, WHICHEVER IS GREATER;

(5) MITIGATION FOR ALL DEVELOPMENT ACTIVITY WITHIN THE 100-FOOT BUFFER SHALL BE REQUIRED AND MAY BE ACCOMPLISHED BY:

(I) COMPLYING WITH THE PROVISIONS FOR NEWLY DEVELOPED IMPERVIOUS SURFACE AS SET FORTH AT (C) (5) OF THIS SECTION; OR

(II) REMOVING IMPERVIOUS SURFACE IN AN AMOUNT EQUAL TO THE IMPERVIOUS SURFACE ADDED, REPLACED, OR OTHERWISE DISTURBED; OR

(III) A COMBINATION OF (I) AND (II) ABOVE;

(6) EXISTING NATIVE VEGETATION MAY NOT BE REMOVED FROM THE 100-FOOT

**BUFFER, EXCEPT IN ACCORDANCE WITH AN APPROVED BUFFER MANAGEMENT PLAN DESIGNED TO ENHANCE THE BUFFER; AND**

**(7) THERE SHALL BE A NET DECREASE OF AT LEAST 10% OF THE TOTAL IMPERVIOUS SURFACE WITHIN THE 100-FOOT BUFFER.**

**(E) THE BUFFER EXEMPTION DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION AND THE BUFFER EXEMPTION CRITERIA DESCRIBED IN SUBSECTION (D) OF THIS SECTION SHALL NOT APPLY TO A SITE OR ANY PART OF A SITE THAT:**

**(1) NO LONGER MEETS THE DEFINITION OF A GOVERNMENT REUSE FACILITY UNDER ARTICLE 28, \*1-101(27A) OF THIS CODE;**

**(2) IS NOT DEVELOPED IN ACCORDANCE WITH AN OVERALL DEVELOPMENT PLAN THAT SATISFIES THE REQUIREMENTS OF ARTICLE 28, \*2-302(B)(5A)(VI) OF THIS CODE; OR**

**(3) IS ADMINISTRATIVELY OR LEGISLATIVELY REZONED TO A DIFFERENT ZONING CLASSIFICATION THAT DOES NOT INCLUDE THE REQUIREMENTS FOR A GOVERNMENT REUSE FACILITY DESCRIBED IN ARTICLE 28, \*\*1-101(27A) AND 2-302(B)(5A)(VI) OF THIS CODE.**

C:\TEMP\dtrevdrft.wpd

SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days from the date it becomes law.

Prepared By: Sally Iliff  
Jim Cannelli  
Betty Dixon  
Reviewed By: Linda Schuett  
Denis Canavan  
Proofed By: JoAnne Gray

C:\TEMP\dtrevdrft.wpd  
November 15, 2000

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 16, 2001

Ms. Tracey L. Greene  
Regional Planner/Circuit Rider  
Lower Eastern Shore Regional Office  
Salisbury District Court/Multi Service Center  
201 Baptist Street, Box 24  
Salisbury, Maryland 21801

Re: Town of Vienna – Phase Two of Waterfront Park  
Riverwalk, Stone Sill, and Marsh Regeneration Project

Dear Ms. Greene:

Thank you for forwarding the information for Phase Two of the Town of Vienna's Waterfront Park Riverwalk project. Since the Critical Area Commission staff received this project, we have had several discussions with you regarding this project for purposes of clarification. This letter serves to address your request to review this project under COMAR §27.02.02 State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. It appears your letter adequately addresses those issues that require consistency with the Town's Critical Area program. Below I have outlined those issues that require further clarification or need to be addressed.

1. In your letter you mention that the project is exempt from the 10% Pollutant Reduction Rule calculations. This is not correct. Only those projects with a total disturbance of 250 square feet or less are exempt for the 10% Pollutant Reduction Rule. All other projects are required to address the requirement. Subsequent to your recent discussion with Mary Owens of this office we have been able to calculate the area of disturbance proposed and the area of Phase II and have completed the 10% Pollutant Reduction Rule calculations. I have enclosed them for your records. The result of these calculations was that no Best Management Practice is required for this phase.

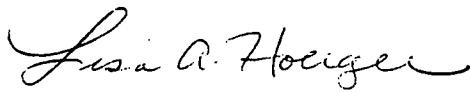
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Ms. Greene  
Page Two  
March 16, 2001

2. We agree with your proposition that the proposed Plantings Plan be accomplished after the construction activity anticipated for Phase III is completed. At that time, Commission staff will gladly assist you and the Town with that plan.

If you have any questions or if I can provide yourself or the Town with further assistance, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Regina Esslinger, Chief Project Evaluation  
Ms. Mary Owens, Chief Program Implementation



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 14, 2001

Ms. Lori Allen  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS  
Annapolis, Maryland 21401

Re: Marvista  
S # 01-017, P # 01-048

Dear Ms. Allen:

Thank you for forwarding the subdivision request for the above-referenced project. The applicant proposes to subdivide a 56 acre parcel into I have outlined our comments below.

- 1) The Environmental Report indicates that approximately 25% of the site is proposed for clearing. The report does not clearly indicate that mitigation will occur at a 1:1.5 ratio. We understand much of the site is covered with invasive species, and commend the applicant's intentions to eradicate these types of species; however, the mitigation ratio for clearing in these areas should be 1:1.5 since these areas provide habitat and cover for wildlife and still provide water quality benefits just as a healthy forested area provides to certain species.
- 2) The final plat should contain notes or tables that clearly indicate the allowable impervious surface area for each lot. The roads and sidewalk areas must also be included in the sum of impervious area on the site. These surfaces should also be displayed in the table.
- 3) The Environmental Report reports the remains of two old wharves and that an areas has been set aside for a community marina. I recommend the applicant contact Mr. Robert Cuthbertson of the Maryland Department of the Environment, Tidal Wetlands Division at (410) 631-8075 as soon as possible since there may be resource issues that will need to be addressed.
- 4) Please forward the letter from the Department of Natural Resources, Heritage and Biodiversity Division when it becomes available. If any rare, threatened or endangered species habitats are identified additional field surveys may be necessary, and it is possible that the configuration of the subdivision may need to be changed.

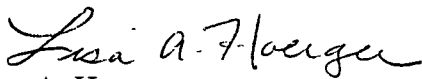
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Ms. Allen  
Page Two  
March 14, 2001

- 5) We recommend the applicant consider plating at least the area of the 100-foot Buffer as Community Open Space in order to protect the Buffer from disturbance by homeowners. This also makes the Buffer protection requirements of the County's Ordinance easy to enforce.

When County staff intends to visit the site, please contact me, as I would like to accompany staff. Thank you for the opportunity to comment. If you have any questions, or require additional information from this office, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Robert Cuthbertson, MDE  
AA 144-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 13, 2001

Mr. Dan Cowee  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Ayres Growth Allocation Request

Dear Mr. Cowee:

At its meeting on March 7, 2001, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the Ayres growth allocation request for 23.92 acres to be changed from a Resource Conservation Area to a Limited Development Area be approved as a refinement. The approval of the growth allocation included the following condition:

*The 100-foot Buffer must be established and maintained in natural vegetation sufficient to ensure the water quality and habitat functions specified in the Critical Area Criteria. A plat note shall be placed on the plat and appropriate language inserted in each deed to ensure that the Buffer on each lot is maintained. These legal instruments shall be reviewed and approved by Commission staff.*

With regard to the map change, the County is required to revise the Critical Area maps to reflect this change within 120 days of this notice. Please forward a copy of the revised map to this office, and a copy of the plat notes and deed restrictions for this subdivision. If you have any questions, please call me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC Amendment File

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 9, 2001

Mr. Chris Soldano  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

Re: Dierdorff Property, S 00-114, P 00-201

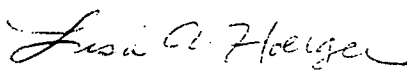
Dear Mr. Soldano:

Thank you for forwarding the resubmittal of the above-referenced subdivision request. Based on the response letter to Ms. Kelly Krinetz dated February 13, 2001, it appears the applicant will address the comments from our last letter dated September 25, 2000 at final. Below are some additional comments for your consideration.

- 1.) The plan indicates the Buffer is expanded 50 feet from the edge of 25% slopes. In the Critical Area, the Buffer should be expanded from the edge of slopes that are 15% or greater. Please ensure the plans are amended to properly reflect the location of the expanded Buffer for steep slopes.
- 2.) I understand the County requested this to be a cluster subdivision. This office supports that concept since it appears not all reforestation can be accommodated on-site. If the applicant can cluster the lots, it may reduce overall clearing and provide more area for reforestation.
- 3.) The comment letter referenced above indicates that the expanded Buffer will accommodate the four threatened and endangered plant species. Has this been verified by the Department of Natural Resources, Heritage and Biodiversity Division?

Thank you for the opportunity to comment. If you have any questions please do not hesitate to contact me at (410) 260-3478.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Katherine McCarthy, DNR  
AA 466-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

March 13, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Plimhimmon Farm  
M-988

Dear Ms. Verdery:

Thank you for forwarding the site plan titled "Preliminary/Final Plat" for the above-referenced subdivision request. The site plan still proposes 11 lots on 245 acres. In addition to the comments provided to your office in a letter dated November 13, 2000, I have outlined additional comments below.

- 1) As stated in the previous comment letter, if Lot 1 is proposed for additional development at a later time, the entire project, including Lots 1 - 11 will need to be submitted for review and approval of the use of growth allocation.
- 2) Thank you for forwarding the environmental report as requested. Please have the applicant correct what appears to be a mistake of the acreage figure for proposed lot #3 under Section One, letter B.
- 3) The 100-foot Buffer must be reestablished in native Buffer vegetation as stated in COMAR §27.01.09.01C(6). This office can assist the County with this requirement. The required afforestation for this subdivision can be planted in the 100-foot Buffer in order to meet the afforestation requirement. We recommend the applicant first plant the required afforestation in the 100-foot Buffer before placing it in other areas on the parcel.
- 4) The area noted as the 25-foot Agricultural buffer should be removed from the plans to avoid confusion on the part of future lot owners. It appears the 100-foot Buffer is correctly delineated on the current plan.

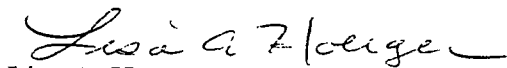
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Ms. Verdery  
Page Two  
March 13, 2001

- 5) The impervious surface calculations appear correct; however, the area of the proposed "Plimhimmon Drive" were not included as part of the overall impervious surface calculations. The area of this road must be included as part of the impervious surface calculations. As you are aware, the overall limit is 15%.
- 6) As stated in the previous letter, all areas of tidal wetlands must be identified with appropriate documentation that they are private tidal wetlands. Otherwise, the tidal wetlands are owned by the State and cannot be counted for generating density in the RCA.
- 7) The note indicating that the total land in Reservation of Development Rights will be 105.833 acres is confusing. It appears that no land in the Critical Area portion of the parcel should be placed in this category since the site inside the Critical Area has used all allowable development rights. Please provide an explanation

Thank you for the opportunity to comment. Please telephone me if you have any questions or need additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Lillian Lord, Town of Oxford  
TC File

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 13, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Mary D. Grotto  
S -920

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to subdivide 53.17 acres into two lots. I have outlined my comments below.

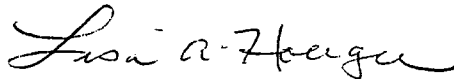
1. The overall parcel has sufficient forest cover so that afforestation is not required. The note on the plat indicates 3.31 acres is the required 15% cover. This is incorrect. Please correct this number to reflect that 15% of the parcel is 7.9755 acres.
2. There was a field investigation conducted by a biologist for the presence of the endangered Delmarva Fox Squirrel habitat. It appears there will be no impacts with the subdivision request since no new development is proposed at this time; however, according to a letter from Lane Engineering dated February 1, 2001, there may impacts to this habitat if development is proposed on the remaining lands in the future. This should be considered by the applicant before final approval. It may be appropriate at this time to reconfigure, if necessary, in order to avoid impacts to the squirrel habitat.
3. The letter from Lane Engineering dated February 21, 2001 indicates the proposed subdivision had been revised and that the area previously shown as remaining lands is now proposed Lot 1, and that the area previously shown as proposed Lot 1 is now the remaining lands. The subdivision plat forwarded to this office is dated January 2001. Do we have the most updated site plan? Please verify.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Mr. Cowee  
Page Two  
March 13, 2001

I you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Scott Smith, Department of Natural Resources  
TC 129-01



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 13, 2001

Mr. Donald Sparklin  
State Highway Administration  
707 N. Calvert Street, 3<sup>rd</sup> Floor  
Planning Division  
Baltimore, Maryland 21202

Mr. John Gerner  
Federal Highway Administration  
Woodrow Wilson Bridge Center  
1800 Duke Street, Suite 200  
Alexandria, Virginia 22314

Dear Sirs:

At its meeting on March 7, 2001, the Chesapeake Bay Critical Area Commission approved the sediment and erosion control design for Contract 1. The project was approved based on the following conditions:

1. As the design of the contracts progress, any changes to either the stormwater management or erosion and sediment control plans shall be resubmitted to the Commission for review and approval.
2. Since a portion of the removal requirement is dependent upon offsite Best Management Practices (i.e. stormwater management facilities) at the MD 210 interchange, the applicant shall resubmit revised 10% Pollutant Removal Calculations if the MD 210 interchange reconstruction is not completed.
3. The applicant shall be required to provide continued maintenance of all facilities used to comply with the 10% Pollutant Reduction Calculations in order to insure the facilities are properly functioning. A maintenance plan shall be developed between SHA and Commission staff.

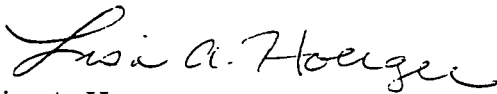
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(410) 822-9047 Fax: (410) 820-5093

Mr. Sparklin  
Mr. Gerner  
Page Two  
March 13, 2001

4. The applicant shall submit monthly reports to the Commission staff that detail the inspection activities that have occurred on the sediment and erosion control facilities.

Thank you for your cooperation with this project. If you have any questions, please feel free to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Thomas Heil, PCC

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 13, 2001

Mr. John Masone, Assistant Superintendent  
Talbot County Public Schools  
Talbot County Education Center  
12 Magnolia Street  
P.O. Box 1029  
Easton, Maryland 21601-1029

Dear Mr. Masone:

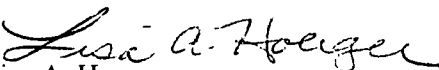
At its meeting on March 7, 2001, the Chesapeake Bay Critical Area Commission granted conditional approval for the proposed additions to the Tilghman Elementary School with the following conditions:

- 1) The applicant shall resubmit any revisions to the plan to the Commission for approval; and
- 2) The applicant shall resubmit any revisions for the stormwater management and sediment and erosion control plans.
- 3) The applicant will work with Commission staff regarding the proposed species proposed for landscaping, and will coordinate follow-up site visits to monitor the survivability of the planting areas.

I have attached a Plantings Agreement that should be returned to this office within 30 days. If you have any questions concerning the agreement or the conditions outlined above, please do not hesitate to contact me at (410) 260-3478.

Thank you for attending our Project Subcommittee meeting and being available to answer any questions or concerns of the subcommittee. Your cooperation was greatly appreciated.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

Enclosure

cc: Ms. Mary Kay Verdery, Zoning Administrator, Talbot County Planning and Zoning  
Mr. Kevin Shearon, McCrone  
TC Refinement File

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 8, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Meadow Farm Joint Venture, LLP  
S-919

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. It appears this application is not within the Chesapeake Bay Critical Area; therefore, this office has no comment.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: TC file

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 8, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Williard Nielsen  
Appeal No. 1177

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicant proposes to construct a 225' x 6' timber pier which includes a 6' x 30' "L" head, six mooring piles and a boatlift, extending a maximum 251' channelward of the mean high water line of Briary Cove. This office has no comment regarding the special exception request to exceed the allowable length of a residential pier; however, the County shall ensure that no Submerged Aquatic Vegetation will be adversely impacted by the proposed pier.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 130-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 9, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Thomas Strittmatter  
Appeal No. 1178

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request to this office for review and comment. The applicant proposes to construct a 195' x 5' timber pier with a 10' x 20' "L" head, four mooring piles and a boatlift, extending a maximum 215' channelward of the mean high water line of the Miles River. This office has no comment regarding the special exception request to exceed the allowable length of a residential pier; however, the County shall ensure that no Submerged Aquatic Vegetation will be adversely impacted by the proposed pier.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 131-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 9, 2000

Ms. Penny Chalkley  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Rhode Point, Lot 6  
S 97-253, P 95-146

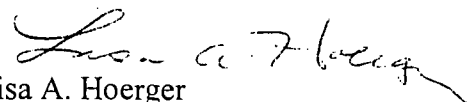
Dear Ms. Chalkley:

Thank you for forwarding the resubmittal for the above-referenced subdivision request. It appears the applicant has made some changes to the plat including those suggested by this office in our last letter dated December 20, 2000. Based on the plat provided, I have outlined our comments below.

1. The response comments indicate the areas of impervious surface on Lot 6R were less than had previously been reported. I see that the driveway area has been redrawn; however, the figures in the impervious surface table have not changed since the last plat was submitted. Please clarify.
2. There is a notation on the plan titled "Mayo System S.T.E.P. Plan & Site Plan" which indicates that there will be 1200 square feet of off site disturbance. Please clarify what this disturbance is that will occur off site.

Thank you for the opportunity to comment. If you have any questions, or require additional information from this office, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: AA 404-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

February 27, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Wallace M. Bounds & Rachel E. Bounds  
S -916

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. It appears this parcel is not in the Chesapeake Bay Critical Area; therefore this office has no comment for this request.

If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 105-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
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(410) 260-3460 Fax: (410) 974-5338

February 27, 2001

Ms. Lori Allen  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6302  
Annapolis, Maryland 21401

Re: Geis Property, Lots 4 & 5  
S# 78-056, P# 01-037

Dear Ms. Allen:

Thank you for forwarding the above-referenced request to this office for review and comment. The applicant proposes to relocate existing lot lines to increase the size of Lot 5R, and to provide an access easement for the existing driveway serving Lot 5R.

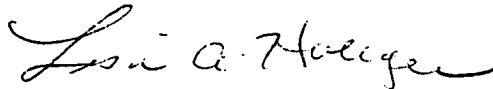
1. In general, this office has no comment regarding these types of requests; however, the County must ensure that all Critical Area requirements of the Zoning and Subdivision Ordinances are met. In other words, the resulting lot configuration should not create new lots that will require variances or will be somehow nonconforming with regard to the County's Critical Area requirements.
2. The Area Tabulation block located on the site plan is not complete. The amount of impervious area proposed and existing is important since Lot 5R and Lot 4R must remain under 15% total impervious surface. Please confirm the impervious area on each lot will not exceed the 15% limitation. Also, a note should be added to the plat that provides the allowable impervious surface limitations for each lot.
3. It appears clearing is proposed to accommodate the access drive and the proposed addition for Lot 5R. These figures should also be provided on the final plat, and the area proposed for reforestation should be identified, or the appropriate fee shall be paid to the County.

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Ms. Allen  
Page Two  
February 27, 2001

4. Thank you for the opportunity to comment. If you have any questions, or require additional information from this office, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 110-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 27, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Warren Wolbert  
S 918

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create two lots in Rural Residential (Limited Development Area- LDA). I have outlined our comments below.

1. The information provided did not include a letter from the Department of Natural Resources, Heritage and Biodiversity Division indicating the presence or absence of any rare, threatened or endangered species that may be utilizing this site. Final plat approval should not occur until this letter is received and any issues have been addressed.
2. The applicant is proposing to create two lots on a 10.8 acre parcel. Newly created lots in the Critical Area should not require the need for any variances for impervious surface limitations or variances to disturb any Habitat Protection Areas.
3. The impervious surface calculations for proposed Lot 2 are not correct. Also, check the square footage number for the total lot area. The figures for proposed Lot 1 appear correct.
4. Page six of the Environmental Report indicates that the Buffer will not be cleared except for normal maintenance, including mowing. Mowing in the Buffer is not

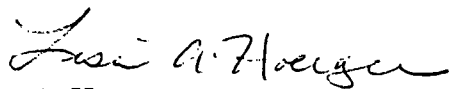
Branch Office: 31 Creamery Lane, Easton, MD 21601  
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permitted. New subdivisions in the Critical Area shall include establishment of the Buffer in forest vegetation which may require supplemental planting.

5. Page 12 of the Environmental Report states that the applicant planted trees in the spring of 2000. This is not indicated on the plan provided to this office. These areas should be identified on the plan prior to final plat approval and the plat should include provisions for long term protection of these areas. Also, the County must make a determination as to whether these plantings can be counted towards any afforestation or reforestation requirements.
6. Adequate stormwater management measures shall be taken during any future construction since the site is in close proximity to existing Submerged Aquatic Vegetation.
7. Lastly, the plan indicates there may be more than one dwelling unit on each lot. Is this permitted under current zoning?

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 106-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

February 27, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Defender Packing Company, Inc.  
S 917

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. I have outlined our comments below.

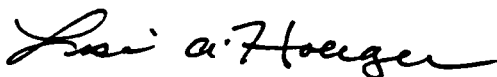
1. It is unclear from the information provided whether this site or the adjacent parcel may support Forest Interior Dwelling Bird (FID) habitat. The Commission's recent Guidance Document, dated May 2000 indicates that FIDs can occur in riparian areas of 300 feet or greater, or on tracts of forests as small as 50 contiguous acres. If this site is in or adjacent to FID habitat, this office can provide the County with technical assistance. The County should contact the Department of Natural Resources Heritage Division for a preliminary determination as to whether the site may be potential FID habitat.
2. The site plan provided may not indicate the true limits of the 100-foot Buffer. There are portions of the shoreline which are labeled "edge of marsh"; if this marsh area is tidal, the 100-foot Buffer should be measured from its edge rather than from mean high water.
3. The portion of the Buffer proposed for conversion to residential use shall be reestablished in native vegetation. Reestablishing the Buffer means using a variety of native species rather than a monoculture of trees. The Buffer should include deciduous as well as conifer trees. Also, it should include a variety of native shrubs and herbaceous plants.

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4. The information submitted did not include an accompanying Environmental Report, nor did it include a letter from the Department of Natural Resources, Heritage and Biodiversity Division indicating the presence or absence of any rare, threatened or endangered species. This information is necessary prior to final plat recordation. The letter from DNR may also help to determine whether FIDs are present (see comment #1).
5. Please explain how the development rights are being used on this parcel. It appears 60.092 acres were used for a subdivision created in 1990. The remaining acreage in the Critical Area after these rights were used is 24.163 acres. This would allow for one additional development right in the Critical Area. It appears that will be used with the creation of Lot 1; therefore, it appears no additional density should be transferred off this parcel. Please confirm development right status and clarify "Critical Areas Density Calculations." It is not clear why the roadway serving Lot 1 is not included in the area designated as "Development Rights for Lot 1." Please amend the plan or provide additional information.
6. The number of acres in general on the plat is confusing when compared to the Subdivision Application sheet. Please verify these acreage figures.
7. Lastly, a note appears on the plat indicating the property is subject to an intrafamily transfer declaration of intent under the State Forest Conservation Program. Please clarify this note. Does this note apply to the area of the parcel outside the Critical Area? If so, this should be stated.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 109-01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 28, 2001

Mr. Thomas Hamilton, Town Planner  
Town of Easton  
P.O. Box 520  
14 S. Harrison Street  
Easton, Maryland 21601

Re: Easton Village on the Tred Avon River - PUD

Dear Mr. Hamilton:

Thank you for forwarding latest conceptual plan to this office for review and comment. We understand the issue of the PUD is still under consideration by the Town Planning Commission. Subsequent to an approval for a PUD, the proposal will be reviewed as a growth allocation. In order to address those issues of concern to the Critical Area Commission, I am offering the following comments for your consideration. These comments supplement those provided in my letter of December 1, 2000.

1. We reiterate the importance of reestablishing the 100-foot Buffer in native vegetation since the use of the site will convert from an agricultural use to a residential use. Reestablishing the Buffer entails planting trees, shrubs, and herbaceous cover. Planting of the Buffer should be addressed on the site plan.
2. Because this project will require growth allocation, the project may require a 300-foot Buffer. The Commission's policy on growth allocation encourages the implementation of a 300-foot naturally vegetated Buffer for growth allocation areas proposed in the RCA. The Critical Area Criteria states that, "New intensely developed areas and limited development areas in the resource conservation area should be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters."

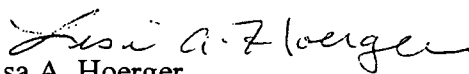
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(410) 822-9047 Fax: (410) 820-5093

Mr. Hamilton  
Page Two  
February 28, 2001

3. I am currently communicating with Mr. Larry Hindman, of the Department of Natural Resources (DNR) regarding this issue of historic waterfowl concentration areas since this site was flagged as supporting this resource.
4. Since there appear to be several streams on the parcel, we are currently scheduling a mutually convenient time to visit the site to determine the number and location of these streams. Also, this will help to ensure their accurate delineation on the site plan, including the required 100-foot Buffer shown around the edge of each stream.
5. Another Habitat Protection Area (HPA) of concern to the Commission staff at this time is the possibility that the site may support Delmarva Fox Squirrels. As with the issue of waterfowl, I am currently communicating with Mr. Scott Smith of the DNR to discuss this issue.
6. The letter from DNR dated August 14, 2000 indicates the site could potentially support habitat for two endangered plant species, and the site is adjacent to known historic waterfowl concentration areas. Again, this information needs to be field verified by an expert prior to approval for growth allocation.
7. The applicant has stated that a community pier and possibly a pedestrian bridge are proposed for this project. The Tred Avon may support submerged aquatic vegetation and anadromous fish spawning habitat. These important HPAs must be avoided in order to conserve them. If anadromous fish are present, time of year restrictions will be required.
8. Stormwater management Best Management Practices are considered development activities and may not be located within the Buffer; therefore, bioretention areas are not permitted in the 100-foot Buffer. Please ensure these structures are not located in the Buffer.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Lynn Thomas, Town of Easton  
Mr. Daniel Cowee, Talbot County



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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February 27, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: Levin Harrison  
M 998

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create four lots in the Village Center (Limited Development Area- LDA). I have outlined our comments below.

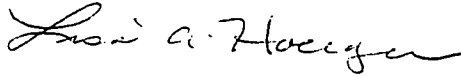
1. The information provided did not include an Environmental Report, nor did it include a letter from the Department of Natural Resources, Heritage and Biodiversity Division indicating the presence or absence of any rare, threatened or endangered species that may be utilizing this site. Given the current use of the property, it is unlikely this site supports these species, however this letter should be included as part of the application. Final plat approval should not occur until all relevant environmental information is assembled and addressed.
2. Four lots are proposed for creation from 2.26 acres. Based on the proposed configuration, it appears Lot 1 cannot support a use without needing a setback variance. While setback variances are not under the purview of this office, the applicant should consider this issue before finalizing the plat.
3. In regard to the County's Critical Area requirements, the newly created lots should not require the need for any variances for impervious surface limitations or variances to disturb any Habitat Protection Areas. The site plan does not include sufficient information regarding existing buildings, driveways, and parking lots to determine if development on the proposed lots will comply with the impervious surface limits. Additional information is needed to ensure that this subdivision will not create nonconforming lots.

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4. New subdivisions require afforestation if there is no forest present on the site. In that regard, this site would require .34 acres of afforestation. This office can provide the County and the applicant with assistance in meeting this requirement on-site if possible.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 107-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 27, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
Courthouse  
Easton, Maryland 21601

Re: George M. & Barbara Ayres  
M-995

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The Commission has received the growth allocation approved by the Talbot County Council, and the Commission will consider the matter at its meeting on March 7, 2001.

The applicant proposes to create four lots in the Rural Residential (Limited Development Area- LDA). I have outlined our comments below.

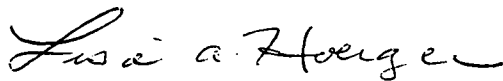
1. With regard to the County's Critical Area requirements, the newly created lots should not require the need for any variances for impervious surface limitations or variances to disturb any Habitat Protection Areas.
2. New subdivisions require afforestation if there is no forest present on the site, or if the forest cover is less than 15%. In that regard, this site requires 3.58 acres of afforestation. The proposed plan is acceptable; however, the applicant should be reestablishing the 100-foot Buffer with native species. This office can provide the County and the applicant with assistance in meeting this requirement. Reestablishment of the Buffer can count towards compliance with the afforestation requirement.

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3. A note should be added to the plat indicating the reestablishment of the 100-foot Buffer along the entire shoreline, and that its disturbance is prohibited except for riparian access.
4. The Shoreline Protection Plan proposes removing dead and fallen trees from the shoreline. This action needs to be carefully evaluated since the removal of some vegetation can also accelerate shore erosion.

Thank you for the opportunity to comment. If you have any questions, or if I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 108-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 23, 2001

Mr. Thomas Heil  
Potomac Crossing Consultants  
1800 Duke Street, Suite 200  
Alexandria, VA 22314

Re: Woodrow Wilson Bridge, Construction Staging Area(s)

Dear Mr. Heil:

Subsequent to our telephone conversation on Wednesday, February 21, I would like to take this opportunity to clarify the role of the Critical Area Commission with regard to review of the construction staging areas for the Woodrow Wilson Bridge project. Since you indicated my last letter dated February 4, 2001 was too vague, I will offer a more detailed explanation of our role below.

As you know, the Code of Maryland Regulations (COMAR) at §27.02.04 require State agencies to seek approval for development activities from the Commission; therefore, all proposed activities associated with the construction staging area that will be within the Critical Area require review and approval by the Commission.

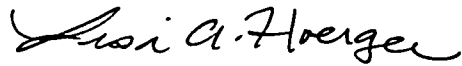
Based on our conversation, you stated that some of the construction staging area activities may require location within the 100-foot Buffer. As you are also aware, State agency projects are also required to comply with the Habitat Protection Area provisions in COMAR, specifically the 100-foot Buffer requirements. I understand you have concerns regarding these requirements. In order to address your concerns, Commission staff are available to meet with you as soon as possible to discuss proposed activities in the 100-foot Buffer.

Lastly, you indicated that the property owner has a local variance issued by Prince George's County to disturb areas of the 100-foot Buffer, and that action conveys the same privilege to the Maryland State Highway Administration in regard to the construction staging area. This is not correct. As stated earlier, State agency projects are required to comply with COMAR and are subject to Critical Area Commission review and approval, just as the other components of this project. The fact that the construction staging area may be sited on the property of National Harbor, and this property owner has secured a variance to disturb certain sections of the Buffer, in no way supercedes the Commission's review and approval authority of State agencies actions on private lands.

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(410) 822-9047 Fax: (410) 820-5093

Thank you for your anticipated cooperation with this matter. If you have any questions concerning the above comments, please call me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa Hoerger  
Natural Resources Planner

cc: Ms. Meg Andrews, Commission Representative for DOT  
Mr. Andre Gingles, O'Malley, Miles, Nylan & Gilmore  
Mr. Ren Serey, Executive Director, CBCAC  
Ms. Regina Esslinger, Chief, Project Evaluation, CBCAC



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

February 21, 2001

Mr. Dan Cowee  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Ayres Growth Allocation Request

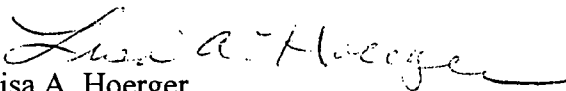
Dear Mr. Cowee:

The Commission has received the requested site plan that was approved by the County Council, and the letter from the Department of Natural Resources, Heritage and Biodiversity Division regarding the status of any rare, threatened or endangered species for this property.

We are accepting the Ayres growth allocation request to reclassify 23.92 acres from Rural Conservation RC (RCA) to Rural Residential RR (LDA) as a complete submittal and will forward it to Chairman North. Chairman North will make a refinement determination within thirty days of the date of this letter and the request will be considered at the Critical Area Commission meeting on March 7, 2001. I will notify you subsequent to his decision.

Thank you for your assistance in this matter. Please call Mary Owens or myself if you have any questions. We can be reached at (410) 260-3460.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: Mary Owens

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**  
**1804 West Street, Suite 100**  
**Annapolis, Maryland 21401**

February 22, 2001

**TO:** Anne Arundel County Panel:

Judith Evans, Barbara Samorajczyk, James Foor, Dave Cooksey, Jim McClean

**FROM:** Lisa Hoerger

**SUBJ:** Panel Meeting/ Public Hearing for County Council Bill No. 78-00 titled The Chesapeake Bay Critical Area - Buffer Exemption Program

The public hearing for County Council Bill No. 78-00 is scheduled for Thursday, March 1, 2001 at 7:00 p.m. and will be located at 2644 Riva Road at the Anne Arundel County Department of Education in the Conference Room. The entrance to the building is located on the right, beyond the Harry S. Truman Parkway intersection if you are traveling south on Riva Road.

The Bill is attached for your review. For those of you who were not able to attend previous Project Subcommittee meetings, this bill serves as an alternative to the Commission's policy for Buffer Exemption Areas. The impetus behind Bill No. 78-00 is the redevelopment of the David Taylor Research Center on the Severn River. The County previously mapped the shoreline as a Buffer Exemption Area (BEA). The current language in the County's Zoning Ordinance does not provide adequate measures to address redevelopment of commercial or industrial sites. Instead, the current language addresses residential BEAs; therefore, language that is more suitable for addressing sites other than residential BEAs is necessary.

The County staff and the developers were present at the subcommittee meetings in January and February when this issue was being discussed. We are currently awaiting a more detailed explanation from County staff regarding the applicability of this bill. Once we receive this information, I will forward it to you.

Based on attendance at the County Council hearings on the Bill and citizen inquiries, staff anticipate a moderate to substantial public turnout for this hearing. Finally, the Panel may wish to visit the David Taylor Research Center site, and arrangements for a site visit will be made at the public hearing.

If you have any questions prior to the hearing, or if you need more explicit directions to the hearing, please call me at (410) 260-3478.

Attachments



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

February 15, 2001

Mr. Donald H. Sparklin  
Assistant Division Chief  
Project Planning Division  
State Highway Administration  
707 North Calvert Street  
Baltimore, Maryland 21202

Re: Project No. AW730A21; MD 168 over Holly Creek  
Culvert Replacement, Anne Arundel County

Dear Mr. Sparklin:

I have received the above-referenced project for review. In your letter dated February 2, 2001, you state that this project is consistent with the Memorandum of Understanding (MOU) between MDOT and the Critical Area Commission. After reviewing the information submitted and the MOU, this office believes the proposed project does not meet the MOU.

The reason this project does not meet the MOU is because a Habitat Protection Area will be impacted. The proposed 45 feet of riprap along the stream bank impacts the 100-foot Buffer; therefore, this project will require formal approval by the Chesapeake Bay Critical Area Commission. In that regard I will need additional information which includes the following:

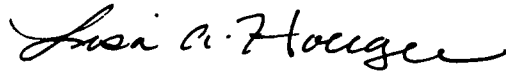
- 1) A detailed site plan, including quantifiable impacts in the Critical Area and the Buffer.
- 2) Information regarding the status of any permits necessary for this project.
- 3) Proposed efforts to provide mitigation for impacts to the Buffer.

Since this project impacts an HPA, it will require a Conditional Approval by the Critical Area Commission as outlined in COMAR §27.02.06. I have attached that section of COMAR for your information. Please provide a response to the section "B" and "C" of this section.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

If you have any questions, or if I can provide additional information, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Van Funk, SHA  
Ms. Regina Esslinger, Chief, Project Evaluation



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 15, 2001

Mr. Richard Thompson  
Department of Environmental Resources  
9400 Peppercorn Place  
Largo, Maryland 20774

Re: Variances for Heath Bourne  
10009 Indian Queen Point Road  
Ft. Washington, MD

Dear Mr. Thompson:

In the course of reviewing the County's first quarterly report and six month summary, I discovered that the County approved a variance to disturb steep slopes on July 27, 2000 for the above-referenced property. Please forward this application to this office. As a reminder, please forward all variances, special exceptions, conditional uses, and rezonings to this office. Certain categories of subdivisions also require notification of the Commission. I have attached the relevant sections of the Code of Maryland Regulations (COMAR) for reference. Please note the provision in COMAR 27.03.01.02 F which states that projects of which the Commission is not notified are null and void.

If you have any questions, or I can provide additional information, please contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

Enclosure

cc: Regina Esslinger, Chief, Project Evaluation

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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February 12, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Tilghman Elementary School, Appeal No. 1168

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to exceed the 15% impervious surface limitations. This office is aware of the project and is currently preparing to present it to the Commission for review and approval. As you are aware, this project will require a conditional approval by the Chesapeake Bay Critical Area Commission. The Code of Maryland Regulations (COMAR) at §27.02.06 state:

If development is proposed to be undertaken or caused in the Critical Area by State or Local agency actions and this development is prohibited from occurring by the criteria in this subtitle, the agency proposing the development may seek conditional approval for the project or program from the Commission.

In order to qualify for conditional approval from the Commission, the local government agency sponsoring the project must meet the conditions outlined in COMAR §27.02.06. I am awaiting the updated site plan and an outline of how these conditions will be met. Until this information is forwarded I cannot offer any substantive comments; however, it is my understanding that changes were made that will have the effect of reducing the requested variance. Also, I understand the requested additions will provide for multiple community services for the surrounding Tilghman Island Community.

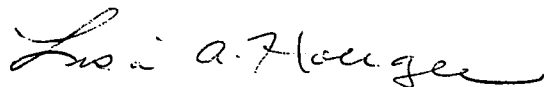
Therefore, it appears the project will likely receive conditional approval by the Critical Area Commission provided some form of mitigation is provided. We recommend additional plantings or a stormwater management design that will provide maximum protection and offer educational awareness.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

The Chesapeake Bay Critical Area Commission meets on the first Wednesday of each month. This project can be on the March agenda provided all pertinent information is received two weeks prior to the meeting. Otherwise, it will be scheduled for a subsequent meeting.

Thank you for the opportunity to comment. If I can provide additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 01-01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 12, 2001

Mr. Daniel Cowee  
Talbot County Office of Planning and Zoning  
Courthouse  
11 N. Washington Street  
Easton, Maryland 21601

Re: Four-Year Comprehensive Review

Dear Mr. Cowee:

Thank you for your latest submission of the Talbot County Comprehensive Review. Since the documents submitted were in bill format, we understand your intentions for submitting this to your local Planning Commission and County Council. As such, we are providing you with our final comments regarding these documents. I have outlined them below.

**Section 19.2(c) – Definitions**

**1. Mitigation** – Mitigation is required for the removal of natural vegetation both inside and outside the Buffer. Also, mitigation is required of all natural vegetation, even if it does not meet the definition of a tree. Please amend the definition of mitigation as follows:

Plantings used to help offset and negate the loss and disturbance of individual trees, forest areas and other natural vegetation within the **Critical Area**.

**2. General Comment** – If a definition of a tree is provided, a definition of natural vegetation should also be provided. Please add the following definition:

**Natural Vegetation** – Canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in the Critical Area. Areas of natural vegetation that are planted to satisfy mitigation requirements shall mimic the structure and species composition of natural forests.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

### **Section 19.4(a) General Table of Use Regulations by Zoning District**

**3. SECTION TWO** - Add the following language, "Limited to sale of trees, shrubs and bedding plants that are grown on the premises in the RC zone."

**4. SECTION THREE** – After "Limited to sale of shrubs, trees and bedding plants", add the following language, "...that are grown on the premises in the RC zone."

**5. SECTION SIX** – The bullet for commercial structures and uses related to the Golf Course must be changed. Delete the language referencing impervious surfaces limited to 15% of the site or 20,000 square feet and add a bullet that states, "Commercial structures and uses related to the Golf Course are not permitted in the RC zone without growth allocation."

**6. SECTION SEVEN** –Delete the second bullet, and add a bullet stating, "Commercial and community pools are not permitted in the RC zone without growth allocation."

**7. SECTION EIGHT** – Add another bullet that states, "These uses must be accessory to a farm in the RC zone."

**8. SECTION TEN** – Remove the bullet that states, "In the RC Zone non-church related cemeteries and pet cemeteries provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less."

**9. SECTION THIRTEEN** – In Day Care Centers; Group, replace "more than 12" with "eight or fewer." The Commission has generally recommended that this use be limited to approximately eight clients.

**10. SECTION FIFTEEN** – Add a bullet that states, "Accessory uses, such as a bingo hall, require growth allocation in the RC zone."

**11. SECTION SIXTEEN** – Add a bullet that states, "Limited to service organizations and non-profit charitable organizations and institutions in the RC zone."

**12. SECTION SEVENTEEN** – Add a bullet that states, "Limited to eight patients in the RC zone." The Commission has generally recommended that this use be limited to approximately eight clients.

**13. SECTION TWENTY-THREE** – Add a bullet that states, "Must meet the definition of a local government agency action in accordance with COMAR 27.02 or will require growth allocation."

**14. SECTION TWENTY-FOUR** – In Day Care Center; Small Group, replace "More than 12" with "Eight or fewer." The Commission has generally recommended that this use be limited to approximately eight clients.

## **Section 19.11 – Critical Area Special Provisions, Zoning Ordinance**

### **15. Page Five -**

(f) This section should be deleted since it references mitigation for expansion of nonconforming structures within the Buffer without a variance. The Commission will not support this language.

(3) Establishment of Buffer – Somewhere in this section the County should state that a path to the water should be a maximum of three feet wide with a maximum width of forest clearing not to exceed six feet.

**16. Page Seven** – Included in the list of Habitat Protection Areas should be Forest Interior Dwelling Birds. Also, if the County intends to follow the recently adopted guidance document of the Critical Area Commission, that should also be stated here. If the County intends to provide alternative conservation measures for FIDs, that language should be placed here. Finally, the current Zoning Ordinance at Section 19.12 does not appear to include all Habitat Protection Areas that require protection. Attached is sample language to include in the Talbot Ordinance. This language includes policies which the County should also include in its ordinance. Please retain those paragraphs that address protection measures for the Bald Eagle, Delmarva Fox Squirrel, and the Sedge Wren habitats.

**17. Page Eleven** – Permitted Normal Maintenance, Mowing, Pruning, [ii][b] and [ii][c] These two items must be deleted. The Commission will not approve mowing of natural vegetation or pruning of natural vegetation without a Critical Area Forest Preservation Plan, Buffer Management Plan or a similar plan approved by the Planning Office. Mowing of existing grass lawns can be permitted to continue.

**18. Page Sixteen** – COMAR 27.01.03 are more specific concerning new or expanded uses. Below I have outlined which uses are permitted in each Critical Area classification. Please amend this section so it is clear which uses are permitted in which local zoning categories.

Industrial/Port Facilities	IDA
Marinas/Commercial Maritime	IDA, LDA
Community Piers/Public Beaches/ Recreation Areas/Education Areas	IDA, LDA, RCA
Research	IDA, LDA
Fisheries	IDA, LDA, RCA

**19. Page Eighteen** – Delete moorings. They no longer appear in Natural Resources Article §8-1808.5.



## **Section 19.12 -Site Plan Review**

**20. Page 12-4 – (q)** In regard to stormwater management, the County must also ensure that quality is addressed. Just mentioning retention is too broad, and only appears to take into account how quantity will be handled. In the fifth line, delete “retention” and replace with “quality and quantity management.”

**21. Page 12-6 – (i)** There appears to be either a typographical error or a missing word(s) on line six where it states, “...handling of natural and stormwater...”.

**22. Page 12-15 – [8]** Change “slopes greater than fifteen (15) percent” to “fifteen (15) percent or greater”.

**23. Page 12-16 – (v)[a]** Current language states, “A Shore Protection Plan shall be prepared.” When is this required? For all submissions of subdivisions and all site plans? Please state when a plan is required by the applicant to avoid confusion.

**24. Page 12-16 – [b]** Current language states, “The Plan shall be reviewed with specific comments, by the Maryland Department of Natural Resources.” What about the Maryland Department of the Environment (MDE)? Please add language to include MDE.

**25. Page 12-17 – [e][1]** Change “ vegetative planting” to “marsh creation”.

**26. Page 12-17 – [e][i]** Change “less than one foot per year” to “less than 2 feet per year”.

**27. Page 12-19 –** This page begins with the impervious surface language. Why is it under the Stormwater, Floodplain, and Tributary Stream Management section? It should be in a section that addresses development in the Critical Area.

**28. Page 12-21 – [ii] a.1.** Change the beginning of this section to, “Redevelopment activities that involve the disturbance of an area of 250 square feet or greater...”

**29. Page 12-22 – [3]** Tributary Stream Management – Add another bullet that states the language found in COMAR 27.01.02.04 C 1(b) which states:

All roads, bridges, and utilities that must cross a habitat protection area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. Roads, bridges, or utilities may not be located in any habitat protection area unless no feasible alternative exists.

**30. Page 12-24 - (vii) [a]** This section should be revised to include protection measures for plant species. The following language is suggested to address the protection of plants.

[a] "A Habitat Protection Plan shall be prepared. The Plan shall prohibit development activities or other disturbances that would disrupt the nesting, breeding, stopover and/or feeding activities of the wildlife or disturb the natural features necessary to the continued survival of plant species identified as rare, threatened, endangered or in need of conservation within Threatened and Endangered Species Habitats or..." (underlining is new text)

**31. Page 12-24 – (vii) [d]** Delete paragraph [d] starting with, "...substantial portions" up to "The Planning Officer..." (i.e. delete first two sentences). Add, "Habitat Protection Areas shall be conserved and protected from any development activity. The applicant shall comply with recommendations from the Department of Natural Resources to ensure that Habitat Protection Areas will not be adversely impacted by development."

**32. Page 12-25 – [iii]** Change "Maryland Nongame and Endangered Species Program" to "Maryland Department of Natural Resources" since individual unit names change.

**33. Page 12-26 – paragraph at top of page –** The County should include a reference to the Commission's Forest Interior Dwelling Bird Guidance paper, dated May 2000, or reference the alternative measures for protection of FIDs.

**34. Page 12-28 – (ix) [a]** Replace those occurrences of "cutting or clearing" to "cutting and clearing", and add that afforestation of the Buffer is required regardless of the size of the parcel.

**35. Page 12-29 – [ix]** This appears to be a discrepancy with the previous page (12-28) item (ix)[a]. Please reconcile these two items.

#### **Section 19.13 Non-Conforming Uses, Lots Parcels and Structures**

**36.** This amendment to Title 19, specifically changes to 19.13(d)(1) and 19.13(d)(5) are not consistent with the Criteria. Delete "... along existing setback lines after recommendation from the Planning Commission and with approval of the Planning Officer. Such approval may be granted from the Planning Officer only upon finding from a preponderance of the evidence that" and replace with "... in accordance with the variance provisions in Section 19.14(b)(3). The Board shall also make the following findings:"

#### **Title 19.11(b)(4) Buffer Management Areas**

**37. Page 3 – (a)(1)** Change "reasonable" to "feasible".

Items #3, #4, and #7 are stricter than the Critical Area Commission's Buffer Exemption Area (BEA) Policies. This is okay as long as the County is aware of this issue and that the Policy Document provides some additional flexibility for BEAs.

38. Page 4 – (b)(1) Change “reasonable” to “feasible”.

39. Page 6 – (c) The County should add provisions that state that the County can propose and map Buffer Management Areas by its own initiative.

**Buffer Exemption Area Evaluations**

- Please make your documents consistent regarding the term used for BEAs. Either use Buffer Exemption Area or Buffer Management Area.
- At the beginning of each page it is stated, “The Critical Area Commission is requesting...”. *This should be changed on every page to state, “Talbot County is requesting...”.*

40. Tilghman Creek BEA (Area 1 on Map 14) – In paragraph #3 the last sentence states, “Most of the shoreline is improved with structural shoreline control measures.” Insert the word “erosion” before the word “control”. *Please make this change on each findings page which includes this text.*

41. Bay Shore Drive BEA (Area 4 on Map 21) – Please add the zoning and Critical Area designation to paragraph #5.

42. Teal Point BEA (Area 9 on Map 24) – Please add the zoning and Critical Area designation to paragraph #5

43. Glenwood BEA (Area 16 on Map 34) – Please indicate whether public sewer is available.

44. Royal Acres BEA (Area 20 on Map 40) – In paragraph #5 there is a typographical error in sentence #3. Change “are” to “area”.

45. Newcomb BEA (Area 21 on Map 40A) – In paragraph #5 there is a typographical error in sentence #3. Change “are” to “area”.

46. Paw Paw Cove (Area 23 on Map 44) – In paragraph # 5 there is a typographical error in sentence #3. Change “zone” to “zoned”.

47. Tilghman Island – The findings for the areas at Tilghman Island are fine; however, the County may want to group together these findings unless the County prefers the method used.

48. Trappe Landing BEA (Area 36 on Map 54) – Is the marina at this site the Dickerson Harbor Marina?

49. Choptank Bridge Commercial BEA (Area 37 on Map 62) – Is the marina at this site the Gateway Marina?

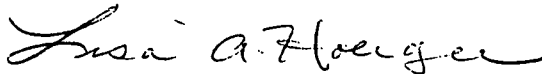
**50. Choptank Bridge Residential BEA (Area 38 on Map 62)** – There are some small lots that are a part of this community that are not mapped BEA. They do not have Choptank River frontage, but appear to have frontage off of a small tributary. Does the County wish to include these lots also? They are lots 11-15.

**Transferable Development Rights (TDRs)**

As you are aware, the Critical Area Commission Program Subcommittee has expressed interest in how the County's TDR process is implemented in the Critical Area based on discussions pertaining to the Ratcliffe and Glenwood projects. It is likely that the Commission Panel will request information on the County's TDR Program during the public hearing.

Thank you for your cooperation. Please forward the above changes, and/or any comments or concerns to us as soon as possible. The Commission is awaiting the Talbot County Comprehensive Review due to the importance of the issues. Please telephone Mary Owens or myself if you have questions or require additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

Enclosure

cc: Ms. Mary Owens, Chief, Program Evaluation

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 9, 2001

Mr. Dan Cowee  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Ayers Growth Allocation Request

Dear Mr. Cowee:

The Commission has received the above-referenced growth allocation request to reclassify 23.92 acres of Resource Conservation Area into Limited Development Area. Before this office can process this request we need the following information:

- 1) A copy of the proposed site plan that was approved by the County Council.
- 2) A copy of a letter from the Department of Natural Resources, Heritage and Biodiversity Division regarding the status of any rare, threatened or endangered species for this property.

Thank you for your assistance in this matter. Please call Mary Owens or myself if you have any questions. We can be reached at (410) 260-7516.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Mary Owens

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 9, 2001

Mr. Thomas Heil  
Potomac Crossing Consultants  
1800 Duke Street, Suite 200  
Alexandria, VA 22314

Re: Woodrow Wilson Bridge, Construction Staging Area(s)

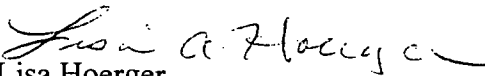
Dear Mr. Heil:

This letter serves to follow-up on our last telephone conversation regarding the applicability of the Critical Area 100-foot Buffer to the construction staging area(s) for the Woodrow Wilson Bridge project. It is my understanding that while the exact location(s) of these staging areas have not yet been identified, it is anticipated that the staging area(s) may be on the site of the National Harbor property. Based on that possibility, I also understand that representatives from your office, Maryland State Highway Administration, and the owners of the National Harbor property are currently devising guidelines for any contractor that may use the site.

In that regard, I am notifying the you that the Chesapeake Bay Critical Area Commission will need to be involved in the development of those guidelines. In general, most of the activities associated with the construction staging areas(s) should be outside the 100-foot Buffer.

Thank you for you attention to this matter. If you have any questions concerning the above comments, please call me at (410) 260-3478.

Sincerely,

  
Lisa Hoerger  
Natural Resources Planner

cc: Mr. Ren Serey, Executive Director, CBCAC  
Ms. Regina Esslinger, Chief, Project Evaluation, CBCAC

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 9, 2001

Elinor Gawel  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6402  
Annapolis, Maryland 21401

Re: County Council Bill #78-00

Dear Ms. Gawel:

This office has received of County Council Bill #78-00 and is accepting it for processing. Chairman North has determined this bill to be an amendment to the County's Critical Area Program. The required public hearing is scheduled for Thursday, March 1, 2001 at the Department of Education Building at 2644 Riva Road.

Prior to the public hearing, I will need the following support documentation from your office. Since Bill #78-00 is an alternative to the Commission's policy for Commercial, Industrial, Institutional, Recreational and Multi-family Development in Buffer Exemption Areas, the County must provide an analysis of the bill. This analysis should include how the bill addresses the standards and mitigation requirements set out in the Commission's Policy.

Thank you for your assistance. Please telephone me if you have any questions.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Mary Owens, Chief, Program Implementation



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 2, 2001

Mr. Chris Soldano  
MS 6301  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Saine Property  
MS 01-009

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create three single-family residential lots in the Limited Development Area (LDA). I have outlined our comments below.

1. Provided no variances for disturbances to Habitat Protection Areas or limits to the impervious surface limitations are created, this office has no objection to the subdivision.
2. The County shall insure that the proposed stormwater management trenches are the best alternative for stormwater management on this site.
3. For the benefit of future lot owners, a table should be added to the final plat that indicates the impervious surface allowable for each lot.
4. What is the status of the current roadway that leads to proposed lots 2 and 3? Is it paved? Is it private or County-owned? How does it affect the total impervious surface proposed? These questions should be answered prior to final recordation to avoid confusion.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

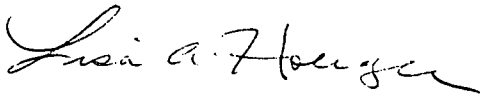


Mr. Soldano  
Page Two  
February 2, 2001

5. Where is the area proposed for reforestation? The application indicates that approximately 30 acres are proposed for clearing to accommodate the new development. This area should be identified on the plat.

Thank you for the opportunity to comment. Please telephone me if you have additional questions.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 59-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

February 2, 2001

Mr. Mark Wedemeyer  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Langley Road Investors  
S 01-008, P 01-018

Dear Mr. Wedemeyer:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to subdivide one parcel into two lots. I have outlined our comments below.

1. The creation of both lots should not require the need for variances to any designated Habitat Protection Areas.
2. Since the site is in an Intensely Developed Area (IDA), the applicant will be required to address the 10% Pollutant Reduction Rule when future development occurs.
3. The 100-foot Buffer should be shown on the final plat, including any areas of expansion for steep slopes, hydric soils, and highly erodible soils with an accompanying plat notes that states no new disturbance is permitted in the Buffer.

A plat note should appear on the final plat that explains the clearing and impervious surface limitations of each lot.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 60-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 2, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning  
& Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Bay Vista Subdivision

Dear Ms. Verdery:

Thank you for forwarding the updated environmental assessment for the above-referenced subdivision request. Based on our telephone conversation this morning, it is my understanding that the applicant has recorded the sixteen lots on the northern side of Sinclair Avenue, and now proposes an additional 14 units on the south side of Sinclair Avenue. I have outlined my comments below based on this environmental assessment, and absent a detailed site plan.

- 1) As discussed, this office routinely recommends to other jurisdictions that environmental assessments be no older than two years. The Environmental Assessment for this project is dated 1994.
- 2) The site layout plan attached to the environmental report does not show the area of the broad-leaved deciduous palustrine pond. All areas of nontidal wetlands and their 25-foot buffers must be delineated on the plan to ensure new development activities will not disturb them. If new development activities will impact any wetlands or associated buffers, the applicant must seek permit approval from the Maryland Department of the Environment, Nontidal Wetlands Division.
- 3) As with the previous submittal, there is no letter the Department of Natural Resources (DNR) Heritage and Biodiversity Division. This review should be completed before final approvals are issued. Please supply a copy of the letter from the Heritage and Biodiversity Division.

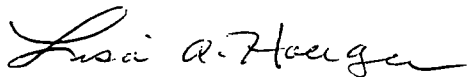
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Ms. Verdery  
Page Two  
February 2, 2001

- 4) It is not clear how much clearing will occur on this site to accommodate the proposed development. This needs to be determined and an area needs to be identified in order for reforestation to occur on-site. The proposed reforestation area should provide habitat for wildlife and provide for a more diverse landscape plan that includes canopy, understory, shrubs and a herbaceous layer. We recommend the reforestation plan include all native species. The Commission staff is available for assistance.
- 5) The proposed impervious surface areas should appear on the plat. Also, a note should be added to the plat alerting future homeowners of the allowable impervious surface on their lots.
- 6) Proper sediment and erosion control and stormwater management is required. There is no information regarding to how stormwater will be managed for this development proposal. Please clarify.

Thank you for the opportunity to comment. If you have questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 642-99



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 31, 2001

Mr. Mark Wedemeyer  
Anne Arundel County Department of Planning and Code Enforcement  
2664 Riva, MS 6303  
Annapolis, Maryland 21401

Re: Bodkin Plains, Lots 204, 205

Dear Mr. Wedemeyer:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. I have provided our comments below.

1. The applicant will be subject to a reforestation ratio of 1:1 since the proposed clearing is approximately 20%. In addition, the Department of Natural Resources, Heritage and Biodiversity Division indicated this site to be Forest Interior Dwelling Bird (FID) habitat. Therefore, the mitigation shall create FID habitat.
2. This office recommends that a plat note be added to alert future homeowners of the impervious surface limitations since the proposal is at 15% for proposed lot 204A.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 53-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 30, 2001

Mr. Elder Ghigiarelli  
Maryland Department of the Environment  
Coastal Zone Consistency  
2500 Broening Highway  
Baltimore, Maryland 21224-6612

Re: Curtis Creek Army Depot

Dear Mr. Ghigiarelli:

I have reviewed the above-referenced project that proposes bulkhead improvements, parking lot construction and stormwater management. As part of that review, I contacted Mr. Robert Jones of Frederick Ward Associates, Inc. who verified information I requested in a letter to him dated December 22, 2000 (enclosed).

Based on the information sent to this office and a telephone conversation with Mr. Jones on Monday, January 29, 2001, it appears all Critical Area issues have been addressed. There are no additional impacts to the 100-foot Buffer or other Habitat Protection Areas. Also, the applicant is meeting the required 10% Pollutant Reduction Rule required of projects in areas of intense development with the proposed Best Management Practice for stormwater. Since no clearing or new disturbance to the Buffer is proposed, this office sees no need for mitigation.

Based on this information, this project appears consistent with the Chesapeake Bay Critical Area provisions. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

Enclosure

cc: Mr. Robert Jones, Frederick Ward Associates, Inc.

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January 26, 2001

Ms. Cynthia Simpson  
Deputy Director  
State Highway Administration  
Office of Planning and  
Preliminary Engineering

RE: MD 7A from Ostego Street to  
Congress Avenue  
Harford County, Maryland  
Streetscape Project

Dear Mr. Simpson:

Thank you for submitting State Highway Administration's (SHA) proposed streetscape improvements in the Town of Havre de Grace. This office understands that the work to be completed includes resurfacing the roadway, replacement of signs and pavement markings, removal of existing traffic islands, replacement of curb, gutter and drainage structures, and the addition of landscaping and decorative features.

The roadway width on Union Avenue will be reduced from approximately 74 feet to 36 feet between Water Street and St. John Avenue. SHA is proposing to include brick lined sidewalk, brick cross walks, pedestrian lighting, way-finding signs, street trees, shrubs, benches and trash receptacles. Several retaining walls and the relocation and lighting of an existing statue are other improvements. The project area crosses an Intensely Developed Area within the Chesapeake Bay Critical Area. There will be no net increase to the existing impervious surface within the Critical Area Boundary. Strict sediment and erosion control practices will be enforced during construction to minimize impacts to water quality.

Also, this office understands that:

1. No wetlands occur in the project area and the Maryland Department of Natural Resources and the U.S. Fish and Wildlife Service have confirmed that no state and federal protected species are expected to occur in the project area; and

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Continued, Page Two  
MD 7A from Ostego Street to Congress Avenue  
January 26, 2001

2. Fish species found in the vicinity will be protected by the in-stream work prohibition period for Use I waters, sediment and erosion control methods and other Best Management Practices typically used for the protection of stream resources.

Critical Area Commission staff has determined that this project is consistent with Appendix B, Nos. 2 and 4 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Stan Ruchlewicz  
Phil Barker  
General File



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 22, 2001

Mr. Chris Soldano  
MS 6301  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Re: Bay Ridge - 11 Barry Avenue  
Lots 52, 53, 54, 54A

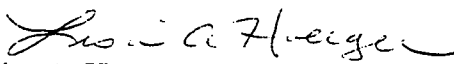
Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to resubdivide the existing five lots and create two lots. I have outlined our comments below.

1. It appears no Habitat Protection Areas will be disturbed with this subdivision. Has a letter been received from the Department of Natural Resources concerning rare, threatened or endangered species habitat?
2. The site plan includes a table showing the proposed and allowable impervious surface areas for each lot. We recommend this table also appear on the final plat.
3. It appears this site may require afforestation if less than 15% is forested. The County should verify this information before final plat approval.

Thank you for the opportunity to comment. Please telephone me if you have any questions.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: AA 38-01

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January 17, 2001

Ms. Elinor Gawel  
Anne Arundel County Office of Planning and Zoning  
2664 Riva Road, MS 6402  
Annapolis, Maryland 21401

Re: Proposed Buffer Exemption Area (BEA), Gibson Island

Dear Ms. Gawel:

Subsequent to our last telephone conversation regarding the above-referenced project, our office discovered that County Council Bill # 61-93 includes language that permits the County to submit areas of shoreline for Buffer Exemption Area (BEA) status. The citation is 1A-109(E).

While the Daly application is already being processed, this office believes the County should proceed to map the remaining areas of Gibson Island, as discussed among staff. As we have discussed, the Commission does not generally support the designation of individual lots as BEAs. The Criteria state that, "local jurisdictions may request an exemption of certain portions of the Critical Area from the Buffer requirements when it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial or recreational development in the Critical Area prevents the Buffer from fulfilling [its] functions..."

It has been staff's interpretation that a pattern is established by development on several lots or on a larger commercial or institutional property which may involve several structures. As you know, a recent Court decision emphasized that when local governments map BEAs they are required to make findings which include how the pattern of development prevents the Buffer from fulfilling its stated functions.

Please contact us to arrange a time to review more detailed maps and aerial photography. If you have any questions, please call Mary Owens or myself at (410) 260-3460.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Mary Owens, Chief, Program Evaluation

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January 17, 2001

Ms. Linda Mott  
Environmental Design Division  
State Highway Administration  
707 N. Calvert Street  
P.O. Box 717  
Baltimore, Maryland 21203-0717

Re: MD Rt. 2 Widening – Status of Mitigation

Dear Ms. Mott:

Thank you for meeting Mary Owens and myself last week to look at the Historic St. Mary's City site as a potential area for mitigation for the MD Rt. 2 project. As promised, I am sending you copies of the photographs I took of the site (enclosed).

We understand you are currently investigating the feasibility of this project with your agency. Please do not hesitate to contact us with any questions as we believe this project is a good opportunity to partner with Historic St. Mary's City and restore this Buffer while at the same time meeting the mitigation requirements of this SHA project.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Regina Esslinger, Chief Project Evaluation  
Mary Owens, Chief Program Evaluation

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Ren Serey  
Executive Director

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January 17, 2001

Mr. Donald H. Sparklin  
Assistant Division Chief  
Project Planning Division  
State Highway Administration  
707 North Calvert Street  
Baltimore, Maryland 21202

Re: Project No. AA 644A21; MD 468: MD 255 to Snug Harbor Road  
Safety and Resurfacing, Anne Arundel County

Dear Mr. Sparklin:

I have just received information from Mr. Robert Funk of your office that the wetlands permit was denied, and the additional funding was allocated for the above-referenced project. As a result, it is our understanding this project will be redesigned and resubmitted for review. Until the project is resubmitted for review, this office will table this project.

Thank you for your continued cooperation with the review of those State Highway Administration projects that occur in the Chesapeake Bay Critical Area. If you have any questions, or if I can provide your office with assistance, please do not hesitate to contact me at (41) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Robert Funk, SHA

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Executive Director

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January 16, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Tilghman Elementary School

Dear Ms. Verdery:

Thank you for meeting with me and Ms. Claudia Jones of this office at the Tilghman Elementary School site last week. Subsequent to that site visit, we have had several telephone conversations concerning the status of this project. In the meantime, we received an application for a special exception for this project as well as the general site plan for the proposed expansion. Below I have outlined our comments concerning both applications to this office.

Special Exception #1168

The Tilghman Elementary School requests a special exception to continue to operate and expand the school in the VC zone. This office defers to the local jurisdiction in matters concerning special exceptions in these zones; therefore, we have no comment.

Site Plan #305

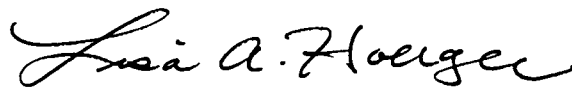
We visited the site on Tuesday, January 9, 2001 to verify the site conditions. It appears that no Habitat Protection Areas (HPAs) will be disturbed for the proposed construction; however, the site is in a Limited Development Area (LDA) and is subject to the 15% impervious surface limitations. From the plan provided it appears the applicant will exceed this total. Absent maintaining existing impervious surface levels, the applicant is required to seek conditional approval from the Chesapeake Bay Critical Area Commission. I have outlined those issues that require your attention below.

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1. I understand you have provided the applicant with the criteria outlined in COMAR 27.02.06 that must be met in order for the Commission to consider granting conditional approval. One of those criteria requires that some form of mitigation be offered to offset the impacts of the aspect of the project that requires conditional approval. We suggested to you in the field that the applicant investigate alternative options for stormwater treatment, which included a wetland creation that could serve as a stormwater management facility and as an educational feature for the students. We also suggested reevaluating the parking area to minimize impervious areas.
2. We also discussed timing of this project. The Critical Area Commission meets the first Wednesday of each month. Please make the applicant aware of this information so they may plan accordingly to meet their contract schedules. Commission approval should be secured prior to the bid process or commencement of in-house construction.
3. A letter from the Department of Natural Resources, Heritage and Biodiversity Division should be secured prior to review by the Critical Area Commission.
4. The permits required from the Maryland Department of the Environment and any other state agencies should be secured, or in their final stages, prior to scheduling this project on the Critical Area Commission's agenda.
5. We recommend the County verify that there are no archeological issues that may be impacted by the proposed expansion.

Thank you for the opportunity to comment. Please forward any revisions to the site plan, and any permits or other information outlined in this letter when it becomes available. If I provide additional assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 01-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 16, 2001

Mr. Gurmeet Singh Gahunia, P.E.  
Associate  
Dewberry & Davis, LLC  
10001 Derekwood Lane, Suite 100  
Lanham, MD 20706-4804

Re: Hidden View Farm, 700 Defense Highway

Dear Mr. Gahunia:


This letter serves as a follow-up to the site plan recently sent to this office for the above-referenced property. This property will soon be further subdivided to support lots outside of the Critical Area. The existing access road requires some upgrading for these lots. Absent an upgrade, access will need to be provided elsewhere on the parcel.

After our field review, it appears the other options for access would require excessive clearing and grading on steep slopes and in Forest Interior Dwelling Bird (FID) habitat. Therefore, it is the opinion of this office that upgrading the existing driveway is the preferred option. We understand the County may require variances for this upgrade, however, we will not oppose such variances since the alternative options will require greater disturbance.

It is our understanding the upgrades to the existing driveway will be the minimum required by the County, and that in certain portions of the driveway retaining walls may be necessary. In any case, proper sediment and erosion control and stormwater management measures shall be taken during the construction activities for the upgrading of this driveway. Please forward the final plan when it becomes available so that we can review it for potential impacts to FID habitat.

Thank you for meeting us on the site and providing the site plan. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

  
Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Chris Soldano, Anne Arundel County Planning and Zoning

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January 16, 2001

Mr. Mark Wedemeyer  
Anne Arundel County Department of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Magothy Beach Oval, Lots B & C Revised  
S 91-156, P 01-001

Dear Mr. Wedemeyer:

I have received the above-referenced subdivision request to create five lots. In general, we support the creation of these lots from a growth management standpoint since they are considered infill in an existing community served by public water and sewer. However, they must meet the County's Critical Area program requirements. I have outlined our comments below.

1. It appears the lots will not meet the impervious surface limitations. New, non-grandfathered lots are limited to 15% impervious surfaces. The lots, or the proposed impervious surfaces must be reconfigured. This office will not support variances to the impervious surface limitation for newly created lots.
2. The County should not issue final subdivision approval until an updated letter from the Department of Natural Resources, Heritage and Biodiversity Division is received.
3. Proper sediment and erosion control, and stormwater management techniques should be employed during and after construction.

Thank you for the opportunity to comment. Please include this letter in your file. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: AA 17-01

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 16, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Charles and Annette Newcomb  
Appeal # 1176

Dear Ms. Verdery:

Thank you for forwarding the above-referenced request for a variance from County's Intrafamily Transfer provisions. Based on the information submitted, it appears that a change in circumstances has occurred since the original bona fide intrafamily transfer lot was created and conveyed to Charles and Annette Newcomb. Therefore, this office has no objections to the requested variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 21-01

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Chairman



Ren Serey  
Executive Director

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January 10, 2001

Ms. Tracey L. Greene  
Regional Planner/Circuit Rider  
Lower Eastern Shore Regional Office  
Salisbury District Court/Multi Service Center  
201 Baptist Street, Box 24  
Salisbury, Maryland 21801

Re: Town of Vienna - Removal of Warehouse Building

Dear Ms. Greene:

Thank you for your letter of January 5, 2000 regarding the above-referenced project. This office is in receipt of the site plan attached with that letter for the warehouse building, and will keep it on file for future reference. Please notify this office when the Town intends to remove the building.

If you have any questions or if I can provide yourself or the Town with further assistance, please telephone me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Regina Esslinger, Chief Project Evaluation  
Ms. Mary Owens, Chief Program Implementation

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January 8, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: George & Barbara Ayres  
M-995

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to subdivide a 23-acre parcel into 4 lots by requesting a growth allocation. I have outlined our comments below.

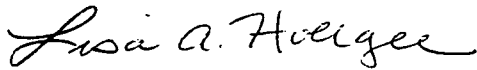
1. The proposed density will require a growth allocation. According to the Commission's policy regarding growth allocation, the entirety of the parcel must be deducted.
2. All Habitat Protection Areas (HPAs) must be identified prior to approval for growth allocation or final subdivision approval. All HPAs include wetlands, streams, steep slopes, threatened or endangered plant or animal species, and other HPAs as identified in the County's Critical Area program.
3. The County should ensure that any areas that require expansion of the 100-foot Buffer are shown. Expansion for the 100-foot Buffer is required when hydric soils are present.
4. It appears afforestation may be required. Please forward that information when it becomes available. Commission staff are available to assist the County in designing an afforestation plan for this property.
5. The Buffer must be reestablished in native vegetation to 100-feet. Reestablishing the 100-foot Buffer can include plantings that are required as a result of reforestation or afforestation associated with the subdivision.

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6. Please forward a copy of the response from the Department of Natural Resources, Heritage and Biodiversity Division when it becomes available. The County should not issue approvals until that letter arrives with confirmation that no rare, threatened or endangered species exist on or near the site. If the letter indicates the presence of such species, then a more detailed analysis is necessary to ensure adequate protections are afforded to the species.
7. Overall impervious surface for the subdivision shall not exceed 15%.

Thank you for the opportunity to comment. Please telephone me if you have any questions or need additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 02-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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January 8, 2001

Mr. Mark Behe, P.E., Project Manager  
Project Delivery Group  
Washington Suburban Sanitary Commission  
14501 Sweitzer Lane  
Laurel, Maryland 20707-5902

Re: Decatur Street Pump Installation  
WSSC Contract CM2655A99

Dear Mr. Behe:

Thank you for forwarding the above-referenced project to this office for review. Based on our telephone conversations, and the site visit we conducted on Thursday, January 4, 2001, staff determined this project does not require formal approval by the Critical Area Commission; therefore, this activity may proceed notwithstanding any other required State or local agency permits.

The Critical Area Commission staff considers the project to be a maintenance activity since it will alleviate sewer back-ups in the immediate residential area. Also, this project will require minimal, temporary impacts to the Buffer. We understand the disturbances associated with the Buffer will be restored to its previous state. We also understand issues regarding the pedestrian path are being coordinated between your agency and the Maryland National Capital Parks and Planning Commission to ensure the path remains open to pedestrian use during construction.

If the plans for this project change, please forward them to this office for review. If I can be of further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: Ms. Regina Esslinger, Chief, Project Evaluation

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January 8, 2001

Ms. Liling Tien, RLA  
P.E.L.A. Design, Inc.  
212 Washington Avenue, Suite 100  
Baltimore, Maryland 21204

Re: Clyde Watson Boat Ramp, PELA Project No.: 97.051.12

Dear Ms. Tien:

On Thursday, January 4, 2001, I visited the above-referenced site. Based on current site conditions and the proposal sent to this office, it appears this project does not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding other State and federal approvals. This decision is based on the scope of the project and that no new clearing or impervious areas are proposed.

I sent a letter to your attention dated December 22, 2000 concerning this project. Kindly forward the information requested in that letter at your earliest convenience so that we may have this information for our file. If the plans for this project change, please forward those changes to this office for review.

As always, it is a pleasure working with you. If I can be of any assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger  
Natural Resources Planner

cc: Jeff Newhouse, MNCPPC  
Regina Esslinger, Chief, Project Evaluation

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 5, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Scott Quimby Site Plan  
# 308

Dear Ms. Verdery:

Thank you for forwarding the above-referenced site plan for review and comment. This office offered comments for the special exception and variance request last summer. It is our understanding that the Talbot County Board of Appeals approved the special exception request, but denied the setback, 100-foot Buffer and impervious surface variances. We have reviewed the updated site plan subsequent to the Board of Appeals' decision and offer the following comments.

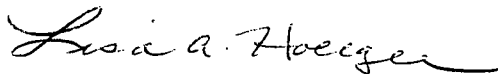
1. It appears the applicant is not counting any portion of the interlocking pervious pavers as impervious surface. This office does not agree with this assumption. We have had similar applications in other counties. Most counties do not recognize pervious pavers as 100% pervious. At most, one county only provided 40% credit as pervious, and this credit was given only on grandfathered, residential lots. That county has subsequently withdrawn that policy due to long term maintenance issues associated with these materials.
2. We have contacted the Maryland Department of the Environment regarding pervious pavers, and have discovered that over time they may become impervious if not properly maintained. Unless a long-term maintenance agreement is established, and the County is willing to make periodic inspections, this office recommends the County consider pervious pavers as 100% impervious, particularly in areas that will be heavily used, or used on a daily basis.
3. The impervious surface calculations provided on the site plan appear incorrect. Based on the figures provided, the total existing impervious area should be 3,302 square feet. This means the total proposed impervious area would be 5,413 square feet or 16% impervious coverage. Therefore, the proposal still exceeds 15% and the plan must be amended to meet the 15% limitation.

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4. A 10' by 10' fuel tank is within the 100-foot Buffer. This structure should be sited outside the Buffer since it is not considered water dependent.
5. What is the proposed method for handling stormwater leaving this site? No device or plantings area appears on the plan. Please advise us of the status. This office can provide assistance if necessary.
6. The site plan does not show pathways for pedestrians that may either exist or may be created for access to and from the existing buildings. If pathways exist or are proposed, they should be included on the site plan, and included in the impervious surface calculations.
7. The plan indicates recent planting on this site. County staff should verify these plantings. Also, proposed future plantings should consist of native Buffer vegetation. This office is available to provide assistance to County staff if necessary.

Thank you for the opportunity to comment. Please telephone me if you have additional questions, or require additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 298-00



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 4, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Grafton Manor Subdivision Request  
M-992

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to subdivide this parcel into three lots in the RC zone. This office offered comments during the sketch plan phase of review. It appears the applicant has addressed most of those comments. Any outstanding issues should be resolved prior to final recordation. I have outlined our remaining comments below.

1. The applicant has addressed the afforestation requirement. We support siting it in the 100-foot Buffer. This will help to reestablish the Buffer. The afforestation should consist of natural vegetation of multi-layered native species.
2. Again, the County and the applicant should ensure the proposed lot configurations are adequate to accommodate future development without the need for variances. This office will not support variances for nongrandfathered lots.
3. There is a note on the plat indicating the Buffer will be reestablished. The County should require a Buffer Management Plan. This office can assist with that review.

Thank you for the opportunity to comment. Please telephone me if you have additional questions, or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 516-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

January 4, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Woodstock Subdivision Request, M-991

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to subdivide this parcel into six lots. This office offered comments during the sketch plan phase of review. It appears the applicant has addressed some of those comments. Any outstanding issues should be resolved prior to final recordation. I have outlined our remaining comments below.

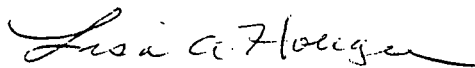
1. The letter provided by the Department of Natural Resources, Heritage and Biodiversity Division indicated the site supports Delmarva fox squirrel habitat. In addition, it contains potential Forest Interior Dwelling Bird (FID) habitat, and the potential habitat for two highly rare beetles. Based on the report prepared by a qualified biologist, it appears the proposed development will not impact the Delmarva fox squirrel habitat, and that it is unlikely that suitable conditions exist to support habitat for the two beetle species.
2. In regard to the FID habitat, it appears no clearing will occur in riparian areas of 300-feet or greater, or in areas of contiguous forested areas of 50 acres or greater; therefore, it appears there will be no impacts to FID habitat.
3. The Environmental Assessment indicates the presence of two tributary streams; however, I could only locate on the site plan provided. Both streams must be clearly identified with their respective 100-foot Buffers on either side. In addition, this office will not support variances for disturbance to these streams or their buffers.
4. The report referenced above also indicates areas of tidal wetlands exist along Goldsborough Creek although none were shown on the plan except for one area that connects to a nontidal wetland.
5. The County shall ensure all areas of tidal wetlands are identified on the plan and clearly labeled. Also, the 100-foot Buffer is measured from the landward edge of all tidal wetlands.

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6. All State tidal wetlands cannot be counted towards calculating the density for this site. Absent documentation from the applicant that the tidal wetlands on the property are privately owned the area of tidal wetlands must be deducted from the acreage amount for the purpose of calculating density.
7. The areas labeled "Reservation of Development Rights" cannot be used for future development activities if these acreage figures support the creation of the lots in the RCA. In other words, there must be twenty acres set aside for each lot created in the RCA. Any acreage above that figure can be used for the Reservation of Development Rights.
8. The private road cannot impact any Habitat Protection Areas (HPAs) without a variance. This office will not support a variance to access newly created lots. It appears portions of the new road may impact the buffer to nontidal wetlands or tidal wetlands. The applicant must demonstrate to the County the road will not cross any HPAs.
9. The lot sizes of each lot were reduced since the last submittal. This office has no objection to this change provided each newly created lot can support new development activities without the need for variances, since this office will not support variances for new lots. Lot 3 appears to have little room outside required setbacks to support development activities.
10. The impervious surface details were provided on the updated plat. All appear correct except for Lot 1 since the lot currently supports some impervious areas. This should be stated on the plat to avoid confusion.
11. At the time of our last comments, we suggested a note be added to the plat indicating no new disturbances are permitted in the 100-foot Buffer or 25-foot buffer to nontidal wetlands. The note that appears on the plat needs further explanation. Also, the Maryland Department of the Environment should be listed as one of the agencies responsible for review concerning habitat protection areas.
12. Finally, the report offered by the biologist indicates zoning permits a guesthouse. If a guest house meets the BOCA definition of a dwelling, it must count towards the density on this parcel if it is constructed inside the Critical Area portion of the property.

Thank you for the opportunity to comment. Please telephone me if you have additional questions, or require additional information.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 515-00

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 2, 2001

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Glebe Venture, LLC  
M-996

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to subdivide this parcel into six lots. Before this office can provide substantive comments, please forward a copy of the Environmental Report. In the meantime, I will provide some preliminary comments.

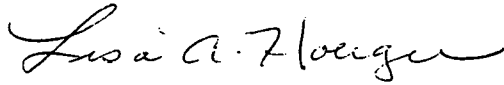
1. The Project Notification Sheet indicates the site is in the Limited Development Area (LDA); however, the Subdivision Application form indicates the zoning to be LI, which indicates a Critical Area classification of an Intensely Developed Area. Please clarify whether the site is in an LDA or an IDA.
2. An intermittent stream was identified on the site plan. As such, it requires a minimum 100-foot Buffer from the edge of each bank. The minimum 100-foot Buffer is expanded to include a contiguous areas of hydric soils; therefore, the nontidal wetlands identified on the site plan must also be included within the Buffer.
3. We recommend the Buffer be placed in community open space to avoid potential disturbance issues in the future.
4. It appears some lots may not have any buildable area remaining after the Buffer is delineated; therefore, reconfiguration may be necessary so that all new development activities are outside the Buffer. This office will not support variances for new lots.
5. What method of stormwater management is proposed?
6. Reforestation or afforestation will be dependent on the Critical Area designation.

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Ms. Verdery  
Page Two  
January 2, 2001

Thank you for your attention to these matters. Please telephone me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 03-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 2, 2001

Ms. Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
Courthouse  
Easton, Maryland 21601-3178

Re: Perry Ottwell  
M-994

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. Before this office can make substantive comments, please forward the environmental report. This item was not included in the submittal package to this office. Once this information is received, I will forward comments to your office.

Thank you for your attention to this matter. Please telephone me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Natural Resources Planner

cc: TC 05-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

2001 Staff Correspondence Vol. 1: McCleary

S1832-147-3



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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June 1, 2001

Mr. Jeff Torney  
Planner  
City of Annapolis Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

RE: Rodrock Project  
205 Melvin Avenue

Dear Mr. Torney:

This office has reviewed the applicant's proposal to build additions to the existing house. The proposed additions include a covered front porch, a dining room extension, a new kitchen, a new first floor bedroom, a second floor, and a new walkway. The applicant is proposing to remove an existing concrete walkway and a gravel driveway. The property is 0.172 acre, is designated an Limited Development Area and is limited to the existing impervious surface of 2,860.75 square feet.

After reviewing the site plans, this office does not oppose the variance to the sideyard setback requirements. However, the applicant needs to revise the worksheet with the correct square footage for the front porch, first floor bedroom and kitchen to reflect the square footage from the proposed site plan. The existing site plan does not show whether porous pavers or concrete pavers will be used. In order to determine whether there is an increase or decrease in impervious surface, please provide more specific information on the type of pavers being used.

The applicant proposes to remove the driveway. How will the applicant access the existing garage? What will the new surface be? Please provide specific information on what material will be used. Generally driveways are impervious and should be counted as such. It is possible that the applicant may need to apply for an impervious surface variance.

Please forward this additional information when you receive it, and I will provide additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
AN 331-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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June 1, 2001

Ms. Janet Gleisner  
Environmental Planner  
Harford County Planning and Zoning  
220 South Main Street  
Bel Air, Maryland 21014

RE: Father Martin's Ashley Subdivision  
Abraham Hall Project  
800 Tydings Lane

Dear Ms. Gleisner:

This office has reviewed the applicant's proposal to build a new 12,650 square feet building within the Critical Area. The property is 32.6 acres and is designated a Limited Development Area. The site is a mostly developed site with several buildings on site.

After reviewing the site plan, this office does not oppose the development activity. In order to stay within the impervious surface limits of 4.89 acres, the applicant plans to remove 0.87 acres of roads and sidewalks prior to the start of the project. Additional new impervious surface of 0.93 acres on site will be added. With the removal of existing impervious surfaces and the adding of new impervious areas, the applicant will stay within the limits of impervious surface allowed.

If the applicant decides in the future to build new structures on this site, this office recommends that the applicant apply for growth allocation because the parcel is near the impervious surface limit. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
HC 290-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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May 31, 2001

Mr. Jeff Torney  
Planner  
City of Annapolis  
Department of Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, MD 21410

RE: Horn Point Marina  
105 Eastern Avenue

Dear Mr. Torney:

This office has reviewed the applicant's proposal to construct a bulkhead and tie the existing bulkhead into a revetment for shore erosion protection. The site is a Buffer Exemption Area and is designated an Intensely Developed Area. After reviewing the site plan, this office does not oppose this project. The proposed bulkhead replacement for shore erosion protection is consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 2603483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
276-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

May 29, 2001

Mr. Ray Dintaman  
Director  
Environmental Review  
Tawes State Office Building, B-3  
Annapolis, Maryland 21401

RE: Integrated Natural Resources Management Plan  
For U.S. Naval Academy and Annapolis Area Complex

Dear Mr. Dintaman:

Thank you for sending the Natural Resources Management Plan for the U.S. Naval Academy and Annapolis Area Complex (USNA\AAC) for review. Critical Area provisions are mentioned in various sections throughout the plan, however, those sections have failed to address all of the specific Natural Resources issues within the Critical Area.

Since the purpose of this plan is to document policies and the future direction of various natural resources programs at the USNA\AAC, this office recommends that a section be included in the plan that discusses the Critical Area and the various Habitat Protection Areas that need to be managed and protected. Some of these areas in need of protection are the 100-foot Buffer, threatened and endangered species and species in need of conservation, plant and wildlife habitat and anadromous fish propagation waters. Please inform the preparers of the plan that specific information on these issues can be found on our web site at [www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/).

On page 5-17, No. 5v of the plan, "Guidance Paper No. 1" has been changed to "A Guide to Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area (June 2000)". When the plan is revised, please send us a copy for review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

*Dawnn McCleary*  
Dawnn McCleary  
Natural Resources Planner

cc: Elder Ghigiarelli  
Regina Esslinger  
General File

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Parris N. Glendening  
Governor

**Maryland Department of Natural Resources**  
**ENVIRONMENTAL REVIEW**  
Tawes State Office Building, B-3  
Annapolis, Maryland 21401

Sarah J. Taylor-Rogers, Ph.D.  
Secretary

Stanley K. Arthur  
Deputy Secretary

May 3, 2001

Memorandum

To: Jack Tawil, CCWS, EBPGM  
Lori Byrne, FWHS  
Arnold Norden, LWCS  
Bill Hodges, RAS  
Regina Esslinger, CBCAC  
LTC Tammy Broll, NRP  
Bob Beckett, FPS

From: <sup>RCD</sup> Ray C. Dintaman, Jr., Director, Environmental Review Unit

Subject: Integrated Natural Resources Management Plan - U.S. Naval Academy and Annapolis Area Complex - April 2001 - Draft

Please review the attached information and send any comments you may have relative to the Department's concern to me by May 24, 2001. I only have one copy of the complete report, so if you would like to read any particular section let me know and I will get it to you. Thanks.

Please complete the following and return this memorandum with your response:

Check one:

☒ Comments are attached.

☐ No comments.

Darwin Mc Cleary  
Signature  
CBCAC  
Agency

If no comments are received by May 24, 2001, it will be assumed that you have none.

RCD:rcd  
Attachment

Extended as per  
m. Dintaman

5/29/01

**RECEIVED**

MAY 9 2001

**CHESAPEAKE BAY  
CRITICAL AREA COMMISSION**

# CLEARINGHOUSE REVIEW

May 11, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honecny, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

RECEIVED

MAY 15 2001

CHESAPEAKE BAY  
CRITICAL AREA

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3898-5-114  
Wheeler Park Expansion (Coccaro Estate Acquisition), Caroline County

This project proposes the acquisition of 1.42± acres of waterfront property on the Choptank River adjacent to the existing 3.5 acre Wheeler Park in the Town of Denton.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

## CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

☒

DM 5/17/01

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

☐

☐

3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

☐

☐

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
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(410) 260-3460 Fax: (410) 974-5338

May 17, 2001

Dr. Ariel Cuschnir  
Project Manager  
The Louis Berger Group, Inc.  
1819 H. Street, NW Suite 900  
Washington, D.C. 20006

Dear Dr. Cuschnir:

This office understands that your organization is preparing an Environmental Assessment (EA) for the U.S. Department of the Navy to determine the potential effects of the expansion of an existing marina at the U.S. Naval Academy in Annapolis, Maryland. I am the contact person for this future project. Some of the issues within the Critical Area we are concerned with are: impervious surface, forest cover/clearing, 100-foot Buffer habitat protection areas, and water-dependent facilities. You can find specific information on these issues on our web site at [www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/). Please feel free to contact me if you have any questions pertaining to future development activity within the Critical Area. I can be reached at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
General File

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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(410) 260-3460 Fax: (410) 974-5338

May 17, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: 750 East Pratt Street Project

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to add a fifteen story office building expansion on top of the existing three story building. The site consists of 0.68 acres in an Intensely Developed Area.

After reviewing the site plan and 10% calculations, this office does not oppose this project. The proposed re-development and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 275-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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(410) 260-3460 Fax: (410) 974-5338

May 9, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: North Shore at Canton  
Case Number: 000881

Dear Mr. Stuart:

This office has reviewed the North Shore at Canton revised site plan and the 10% calculations. This office understands that the applicant will be using an on-site best management practice to remove the required pollutant loadings from the project site.

After reviewing the site plan and 10% calculations, this office does not oppose the redevelopment of this site. The proposed redevelopment and the 10 % calculations are correct and consistent with the local Critical Area Program. Worksheet A shows that the removal rate exceeds the required minimum removal load by using an underground sandfilter.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
Gary Setzer - MDE  
Rich Ayella -MDE  
Councilman Caine  
Senator Sfikas  
Dolden Moore-BPW  
Citizens  
BA 62-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

May 9, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: Rukert Terminals II Project  
2207 Clinton Street (Canton)

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a new 40,560 square feet warehouse outside the 100-foot Buffer. The property is 6.32 acres and is designated an Intensely Developed Area. A portion of the site is within the 100-foot Buffer, and is currently almost entirely paved or covered with buildings.

After reviewing the site plan, this office does not oppose this development activity. The applicant revised Worksheet A, Step 5 to show that they were doing BMPs in a series for the dry swale and sand filter. The proposed development and 10% calculations are correct and consistent with the local Critical Area Program. These BMPs will treat more phosphorus than required on site. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 215-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 27, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Dept. of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: Public Storage Facility  
Local Case Number: 001522

Dear Mr. Stuart:

This office has reviewed the changes in the revised Worksheet A. The proposed the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 163-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

CLEARINGHOUSE REVIEW

RECEIVED

April 16, 2001

APR 20 2001

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honecny, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)

Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: <sup>JWP</sup> James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3894-12-183  
Hickory Acquisition, Harford County

This project proposes to acquire 28.809 acres of agricultural land located in the Bel Air suburbs. The topography is flat to rolling and is traversed by a small stream in its southeastern corner. This acquisition will provide the opportunity to construct active recreational facilities in this area of rapid growth.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

☒

DM 4/20/01

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

\_\_\_\_\_

\_\_\_\_\_

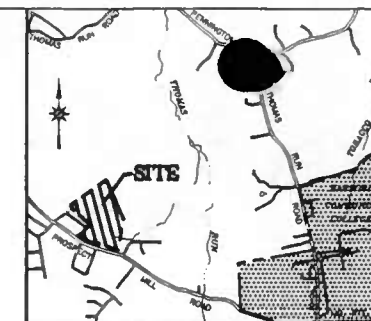
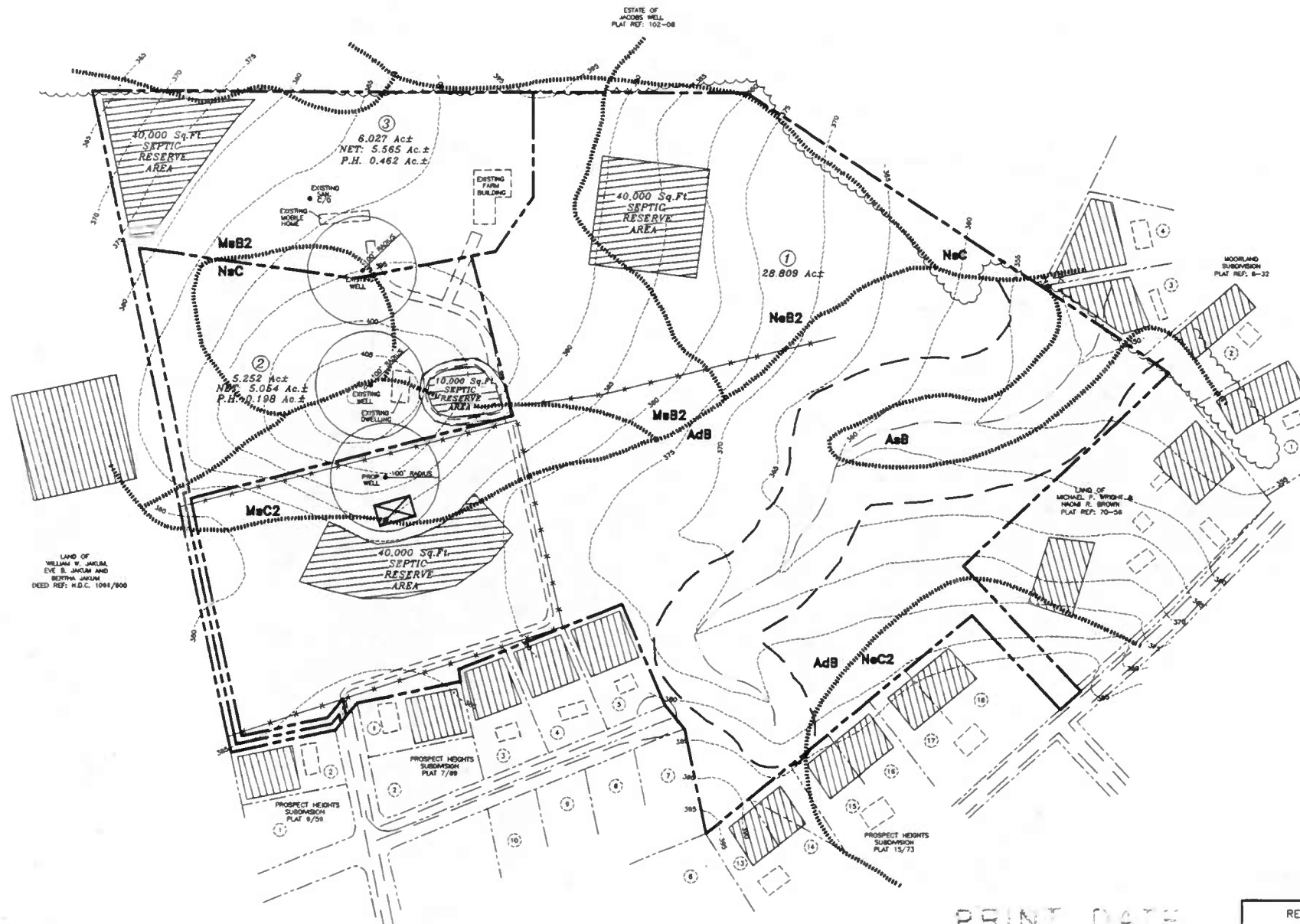
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

\_\_\_\_\_

\_\_\_\_\_

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.





LOCATION MAP

SCALE 1" = 2000'

# PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

A WELL SHALL BE DRILLED AND APPROVED BY THE HARFORD COUNTY HEALTH DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

SUBMIT A PLAT WITH THE SANITARY APPLICATION THAT INDICATES THE APPROVED WELL SITE, PROPOSED DWELLING SITE, PROPOSED SEWERAGE SYSTEM AREA, EXISTING WELLS AND/OR SEWERAGE SYSTEMS, LOCATED WITHIN 100 FEET OF THE BOUNDARY OF THE LOT.

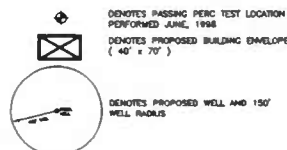
1. DENOTES THE 40,000 SQUARE FOOT WASTE DISPOSAL SYSTEM AREA WHEREIN NO CONSTRUCTION IS PERMITTED WITHIN 30' OF THE WASTE DISPOSAL SYSTEM AREA AND ANY AREA WITHOUT PERMIT APPROVAL OF THE COUNTY HEALTH DEPARTMENT, EXCEPTING UP TO THE WASTE DISPOSAL SYSTEM AREA BUT NOT WITHIN IT, ARE PERMITTED FOR DRIVEWAYS, UTILITIES, AND SMALL PHYSICAL STRUCTURES (TOOL SHEDS, ETC.).

DRIVEWAY ENTRANCE CONSTRUCTION AND LOCATION TO BE APPROVED BY THE HARFORD COUNTY DEPARTMENT OF PUBLIC WORKS/STATE ROADS COMMISSION, WHEREVER APPLICABLE.

THE SUBDIVISION MUST COMPLY WITH STATE REGULATIONS FOR UNDERGROUND ELECTRIC DISTRIBUTION AND TELEPHONE SERVICES.

## SITE DATA

1. TOTAL ENCLOSED AREA: 40.088 AC.S
2. PROPOSED NUMBER OF LOTS: 4
3. PRESENT ZONING: Ag
4. DEED REFERENCE: C.S.M. 3283/746
5. ① INDICATES LOT NUMBER
6. 00000 INDICATES HOUSE NUMBER
7. TAX MAP #11, PARCEL #109
8. LOT CREATED AFTER 2/8/77.



## OWNER

JOSEPH & NAOMI ENGERS  
NATIONAL BANK OF RISING SUN  
2110 MARK STREET  
BEL AIR MARYLAND 21015

PRINT DATE

OCT 31 2000

CAMPBELL & NOLAN  
ASSOCIATES, INC.

REVISIONS

PERC CONCEPT PLAN

LAND OF ENGERS

THIRD ELECTION DISTRICT

HARFORD COUNTY, MARYLAND

**CNA**  
campbell & nolan associates, inc.

Civil Engineers • Land Surveyors • Landscape Architects  
Planners • Geotechnical Engineers • Environmental Engineers  
P.O. Box 441 • Bel Air, Maryland 21014-0441  
(410) 639-7200 • (410) 639-2784 • Fax (410) 639-1811  
E-mail: cna@cna.com

SCALE:  
1" = 100'  
DATE:  
10-30-00  
DRAWN BY:  
JBM  
DESIGN BY:  
CDC  
CHECKED BY:  
JGB NO.:  
CDC





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 20, 2001


Mr. Jeff Torney  
Planner  
City of Annapolis Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

RE: Performance Cruising Project  
7364 Edgewood Road

Dear Mr. Torney:

The office has reviewed the applicant's proposal to expand an existing boat yard by adding a boat manufacturing building, entrance driveway and boat\vehicular parking areas. The property is 4.05 acres and is designated an Intensely Developed Area. After reviewing the site plan, this office does not oppose this development activity. However, the applicant needs to submit the 10% calculations by submitting Worksheet A from the Applicant's Guide. Please forward the revised worksheet to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely;

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
AN 126-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 20, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: Potee Street Bridge Replacement  
Conditional Approval

Dear Mr. Stuart:

This office has reviewed the City's "Potee Street Bridge Replacement" report and we need some additional information. The City must address *COMAR 27.02.06.01 B and C* for both the impervious surface over 15% and Buffer impacts. These provisions provide the justification for the conditional approval. Please see the attached example with answers from a project that received conditional approval. The current site plans does not show whether the mitigation areas for Buffer impact are in the 100- foot Buffer, but it needs to be. Please provide more specific information on the proposed mitigation.

Please forward a copy of the conditional approval to this office as soon as possible. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

Attachment  
cc: Laura Moran Danko  
Regina Esslinger  
BA 218-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 18, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: Comprehensive Review  
Comments for Baltimore City

Dear Mr. Stuart:

I have reviewed the latest revisions and format changes to the Critical Area Management Program (CAMP). It appears that most of staff's previous comments have been addressed, however, the following issues need to be resolved:

1. On page 7, under Requirements, paragraph 3, add after Buffer, "the City's Critical Area designation is separated into the following".
2. On page 7, Letter C, under "Baltimore City Critical Area Management Program Executive Summary", remove information in the Executive Summary and place in an applicant's guide or create an appendix.
3. On pages 8 and 9, under "Significant Development Requirements", in paragraph 2, "Buffer Requirements", please explain the purpose of this section and the "Summary of Requirements Within the Buffer" chart. These sections are not clear and need clarification.
4. On page 16, the Buffer should be defined and the Program needs to state how the Buffer should be established and expanded if necessary.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Mr. Stuart

~~March 15, 2001~~

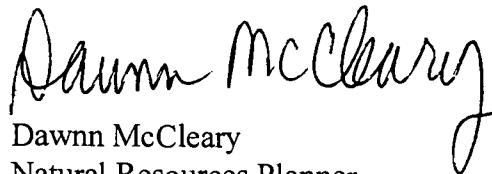
Page Two

April 18, 2001

5. On page 25, under Offset Programs, paragraph 2, number 1, where did you get the list of environmental alternative enhancements? It does not appear that this list is necessary and it would be more appropriate to reference the "2000 Maryland Stormwater Design Manual" prepared by the Maryland Department of the Environment. Also, under the same section, number 2, paragraph 4, "Buffer Offset Program", clarify the sentence "Alternative offset projects may be considered provided that the developer is able to satisfy the City and the Chesapeake Bay Critical Area Commission..."
6. On page 26, under "Offset Programs", paragraph 2, number 2, please clarify why this sentence: "At the discretion of the Critical Area Commission, a developer may elect to ..." was added.
7. On page 37, under Designated Habitat Protection Area: Masonville, paragraph 1, number 5, line 6, please add the original language from the old program "In the event that the Critical Area Commission approves a MPA terminal at this location, suitable mitigation will be undertaken by the Port Administration to offset for the impacts of development in and around this habitat protection area".
8. On pages 44 and 45, under Water Dependent Facilities and Waterfront Industry Plan, what happened to "Shore Erosion Protection Plan section" and "Public Access and Parks Plan" section?

In addition to the comments included in this letter, please review the attached CAMP document and appendix G-1 that I have marked up with additional comments. I would recommend that we get together in the next few weeks to discuss these changes and finalize the comprehensive review. If there are any questions pertaining to the above comments, please feel free to call me at (410) 260-3483.

Sincerely,



Dawnn McCleary  
Natural Resources Planner

cc: Susan Williams

Mary Owens

File: Comment ~~to~~ City



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 18, 2001

Ms. Kay Morin  
Project Manager  
STV Incorporated  
21 Governor's Court  
Baltimore, Maryland 21244-2722

RE: Frederick Douglass-Isaac Myers Maritime Project  
Crushed Oyster Shells

Dear Ms. Morin:

This office has reviewed the site plan you submitted concerning the usage of crushed oyster shells as groundcover in specific areas throughout the site. This office understands that the oyster shells that will be proposed in landscape beds (as a mulch) will not be subjected to vehicular or pedestrian traffic. Therefore, this office does not oppose the proposed conceptual site plan.

When you have finalized the site plans for this project, please forward a copy to this office for our files. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Bill Cunningham  
Duncan Stuart  
Regina Esslinger  
General File

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

April 18, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: Rukert Terminals  
Local Case Number: 000490-01

Dear Mr. Stuart:

This office has reviewed the site plan from the applicant who illegally graded ½ acre of a 9.72 acre site. This office does not oppose the City's proposal to require the applicant to pay into the stormwater offset fund to rectify this violation. Critical Area Commission staff has determined that the 10 % calculations and the collection of fees-in-lieu are correct and consistent with the City's local Critical Area Program.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 19-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

April 10, 2001

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
403 South 7<sup>th</sup> Street, Suite 210  
Denton, Maryland 21629

RE: Alan and Mary Douglas Variance  
Local Case Number: 01-21V

Dear Ms. Schmick;

Thank you for providing information on the above variance application. The applicant is requesting a variance to construct a 12' x 24' (288 sq. ft.) detached garage in a Limited Development Area within the 100-foot Buffer. After reviewing the site plan, this office does not oppose the variance for the garage within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

*Dawnn McCleary*  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
CR 213-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

April 10, 2001

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
403 South 7<sup>th</sup> Street, Suite 210  
Denton, Maryland 21629

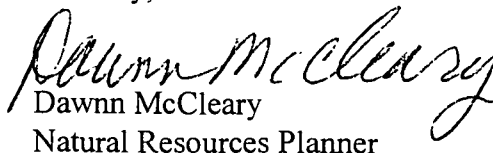
RE: Robert and Lynn Jarrell Variance  
Local Case Number: 01-24V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is requesting a variance to construct a single family dwelling, garage and sewage reserve area in a Limited Developed Area within the 100-foot Buffer. After reviewing this site plan, this office does not oppose the variance. It appears that the proposed single family dwelling, garage and sewage reserve area cannot be moved out of the 100-foot Buffer. Critical Area staff recommends that mitigation for the area in the Buffer disturbed at a 3:1 ratio, in native plantings, on site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
CR 214-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

## CLEARINGHOUSE REVIEW

February 28, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honeczy, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: *JWP* James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3890-12-182  
Reconstruction of Tennis Courts - Fallston Recreation Center and North Harford  
Middle School, Harford County

This project proposes to reconstruct and resurface four tennis courts at Fallston Recreation Center and three tennis courts and multi-purpose court at North Harford Middle School.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

### CHECK ONE AND INITIAL

### CHECK

### INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

☒

*Dm 3/30/01*

\_\_\_\_\_

\_\_\_\_\_

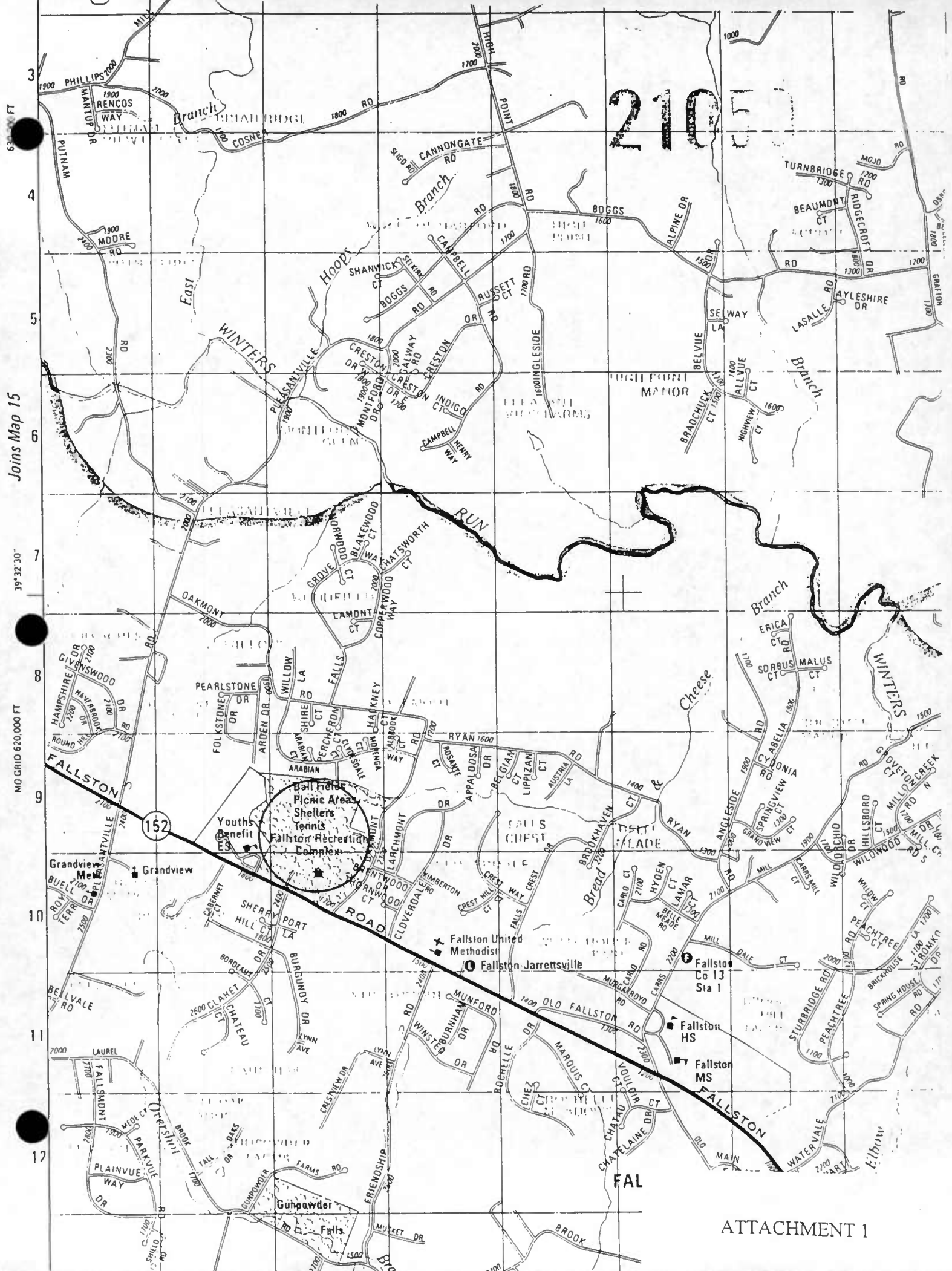
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Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.







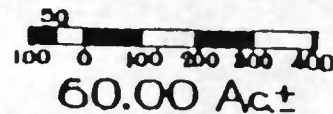


EXISTING

PROPOSED RECONSTRUCTION

ATTACHMENT 2

NORTH HARFORD ELEMENTARY  
NORTH HARFORD MIDDLE



EXISTING

## PROPOSED RECONSTRUCTION



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 29, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: AHEPA Senior Housing Project  
Local Case Number: 001522

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to redevelop a vacant lot and build a senior apartment complex. Because the project is in the City's Intensely Developed Area, the applicant must comply with the 10% pollution reduction requirements or pay fees-in-lieu.

After reviewing the site plan and 10 % calculations, this office does not oppose the project. However, it appears from the site plan that the applicant could use a variety of effective Best Management Practices to remove the 1.6 lb of phosphorus shown in Step 4 of Worksheet A. Bioretention or perimeter sandfilters seems to be suitable BMPs for this site, especially in the grassy areas. (*See 2000 Maryland Stormwater Design Manual, Section 3.4, pages 3.31-3.41 and D.4-11 - 4.12, Table D.4.7 and D.4.8*)

Please forward a revised Worksheet A showing the BMPs that the applicant has considered. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 173-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 29, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Dept. of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: Public Storage Facility  
Local Case: 001522

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to tear down a warehouse and construct a three story public storage building. Because this project is in the City's Intensely Developed Area, the applicant must comply with the 10% pollution reduction requirements or pay fees-in-lieu.

After reviewing the site plan, this office does not oppose the project, however, the applicant should recalculate Step 5 in the 10% calculations. (See Step 5 of Worksheet A) The removal efficiency should be 0.65, not 0.325. The correct load removed should be 0.1912 lbs, not 0.096 lbs. When the 10% calculations have been revised, please forward them to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 163-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 27, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
413 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, MD 21202

RE: Port Covington Project

This letter is in reference to my March 19, 2001 letter regarding the site plan and landscaping plan for the Port Covington development proposal. In discussion with the applicant, we have requested that they provide a breakdown of impacts to the Buffer and the mitigation that will be provided in the way of plantings for those impacts. The applicant provided this to us on March 26, 2001.

The City's Critical Area Management Plan (CAMP), under "Waterfront Industrial Areas: Development Within the Buffer for Non-water-Dependent Use" requires that:

*"Whenever a developer uses any portion of the buffer as part of significant development, the developer has the option of: 1) vegetating on-site so that 50% of the total Buffer area is established in vegetation in an approved manner, or, 2) contributing to the Buffer Offset Fund an amount equal to the total Buffer area of the site which is not vegetated". (See CAMP, page 21, 2(b)(ii))*


According to the current landscaping plan, the applicant has chosen to mitigate for Buffer impacts by vegetating on-site. The applicant has determined that the requirements have been met. (See attachment) The current landscaping plan shows a substantial amount of non-native species. We have asked the applicant to provide more native species on site. We understand those revisions will be forthcoming, and ask that you forward them to us once you receive them.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Continued, Page Two  
Port Covington Project  
March 27, 2001

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Iwon Zarska  
Claudia Jones  
Regina Esslinger  
BA 627-00



**BALTIMORE LAND DESIGN GROUP, INC.**

410-229-9851 TEL.

410-229-9865 FAX.

**FACSIMILE TRANSMITTAL SHEET**

TO:	FROM:
Ms. Dawnn McCleary/Claudia Jones	Iwona Zarska
COMPANY:	DATE:
CRITICAL AREA COMMISSION	March 26, 2001
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
1-410-974-5338	3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:
Port Covington	

☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

**NOTES/COMMENTS:**

Claudia,

This is a follow up on our today's discussion regarding the impact on the Critical Area Buffer (CAB).

1. Total area of CAB, which will be graded and re-vegetated after completion of the site construction 3.43 Ac
2. Total area of CAB, which will be disturbed and paved 0.76 Ac
3. Total area of CAB, which will be disturbed 4.19 Ac
4. Total area of CAB, which will be graded and re-vegetated after completion of the site construction 3.43 Ac
5. Total area, adjacent to CAB but outside of the CAB, which will be vegetated after completion of the site construction 3.41 Ac
6. Total vegetated area (sum of #4 and #5) 6.84 Ac
7. Total area of CAB 10.85Ac
8. Percentage of CAB to be disturbed  $4.19/10.85 = 38.6\%$
9. Percentage of CAB + mitigation area to be provided  $6.84/10.85 = 63.0\%$

222 SCHILLING CIRCLE, SUITE 103  
HUNT VALLEY, MARYLAND 21030

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 21, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: North Shore at Canton Site Plan  
Case Number: 000881

Dear Mr. Stuart:

This office has reviewed that applicant's proposal to build low rise office buildings, pier townhouses with lower level parking, and a marina. The proposed development currently sits on 3.75 acres of land and is in an Intensely Developed Area. The applicant is proposing to meet the 10% pollutant reduction requirement through the payment of an offset fee.

According to the March 7, 2001 letter from Mr. Rich Ayella at the Maryland Department of the Environment, they require stormwater for the upland site as well as the pier to be managed on site. Therefore, the applicant cannot satisfy the 10% requirement by paying the offset fee. Please have the applicant address stormwater management on site and forward us the revised plans. We will provide additional comments at that time.

If there are questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary  
Natural Resources Planner

**Attachment**

cc: Regina Esslinger  
Gary Setzer - MDE  
Rick Ayella- MDE  
Councilman Caine  
Senator Sfikas  
Doldon Moore-BPW  
Citizens  
BA 62 - 01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



## MARYLAND DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway • Baltimore Maryland 21224

(410) 631-3000 • 1-800-633-6101 • <http://www.mde.state.md.us>

Parris N. Glendening  
Governor

Jane T. Nishida  
Secretary

March 7, 2001

**RECEIVED**

MAR 13 2001

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

Whitney Bailey Cox and Magnami  
849 Fairmount Avenue  
Baltimore, MD 21286  
Attn. Eugene Cauley

Re: North Shore Development

Dear Mr. Cauley:

I am writing as a follow-up to our meeting last week and your request to modify the subject Wetlands License issued by the Board of Public Works on May 10, 2000. At this time I believe it is important to review the requirements of this license and any requirements associated with the proposed modifications.

The license authorizes the construction or re-construction of shoreline protection measures including bulkheading and stone riprap, the construction of dwelling units on a pier, and a marina. A condition of the license requires MDE approval of a stormwater management plan for the pier work. At the time of review, the upland adjacent to the site was shown as an open area used for parking with no significant improvements. This area would provide suitable area necessary for stormwater management. The present proposal includes intensive development on this adjacent upland parcel. While my office has no direct authority over construction activities on the upland parcel, we do require that stormwater for the upland site as well as the area on the pier be managed. To date we have not seen a plan or proposal for stormwater management for either site. A waiver from the State of Maryland cannot be issued for this site. Because the two sites are integral to each other stormwater must be managed on-site and plans must be approved by MDE.

While the wetland license was issued in May of 2000, it has not been released by the Wetlands Administration for the Board of Public Works. Release of the license, commencement of construction, or docking boats at the marina requires compliance with the following items:

- 1) Posting of a \$100,000 performance bond.
- 2) Payment of a \$207,000 fee to the Maryland Department of the Environment Tidal Wetlands Compensation Fund.

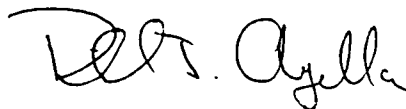


- 3) Submission and MDE approval of stormwater management plans depicting 50% design completion for the pier and adjacent upland.
- 4) A pre-construction depth survey.
- 5) Certification by a registered professional engineer that the reconstructed pier support structures will be structurally adequate, including specification of the design life of the pilings and weight bearing components.
- 6) Submission and approval of a structural maintenance plan for the pier support structures establishing a long term funding and management mechanism which is binding upon the licensee and any successors.
- 7) Recordation of the approved pier maintenance plan in the land records of Baltimore City.]
- 8) Submittal of 24 inch by 36 inch detailed project plans.
- 9) Installation of a dockside wastewater pumpout facility
- 10) Maryland Historical Trust Approval

Additionally, the licensee must work with the community to design a project that is reasonable, acceptable and fits into the existing/history community. This was done for the original project by the previous owners, Gemini Realty, but since the project has changed you must work with the community again to develop an acceptable project. You stated at our meeting that you have coordinated with the community. Please provide documentation of any meetings or correspondence.

If you have any questions or wish to discuss any item in further detail please contact me at 410-631-8077 or Mr. Robert Cuthbertson at 410-631-8045.

Sincerely,



Richard J. Ayella, Chief  
Tidal Wetlands Division

cc. Senator Sfikas  
Robert Cuthbertson  
Doldon Moore  
Regina Esslinger  
Community Representatives

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 20, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: C. Steinweg Project  
2101 East Fort Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to tear down an existing building, regrade the impervious area and rebuild a large warehouse in its place. Because this project is in the City's Intensely Developed Area, the applicant must comply with the 10% pollution reduction requirements or pay fees-in-lieu.

During a site visit on March 7, 2001, this office agreed with City staff's determination that the applicant could not meet the pollutant reduction requirements on site through the use of Best Management Practices. Therefore, the proposed redevelopment, the 10 % calculations and the collection of fees -in-lieu are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 62 - 01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 19, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: Lockwood Place  
200 East Pratt Street

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to tear down part of the old Baltimore Community College building and rebuild a multi-story commercial office building tower. Because this project is in the City's Intensely Developed Area, the applicant must comply with the 10% pollution reduction requirements. After reviewing the site plan and 10 % calculations, this office does not oppose the project. Please revise the worksheet to reflect existing and proposed imperviousness in 2(a) and 2(b).

The applicant is proposing to remove very little phosphorus. The proposed Delaware sandfilter is a suitable Best Management Practice for the site. However, it appears, the applicant could reduce more impervious areas and add other types of effective Best Management Practice (BMP) to increase the phosphorus removal. Additional Delaware sandfilters or bioretention are suitable BMPs for this site. (*See 2000 Maryland Stormwater Design Manual, Section 3.4, pages 3.31 - 3.41 and D.4-11, D- 4.12, Table D.4.7 and D.4.8*).

Please forward the above information for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 92 - 01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 19, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: Port Covington Project  
Baltimore City

Dear Mr. Stuart:

Thank you for sending this office the revised site plans and corrected pollutant removal calculations for the Port Covington site. After reviewing all the revisions, this office does not oppose the proposed development. Claudia Jones and I are satisfied with the effort the applicant has taken to move the stormwater management facilities as far out of the 100-foot Buffer as possible. A copy of a Buffer Management Plan is attached (see pages 2-4) to help you determine the amount of mitigation needed for the area of disturbance in the Buffer. Please keep in mind that the area disturbed in the Buffer must be mitigated at a 3:1 ratio with native plantings, on site if possible. (See attached list of native plantings of Maryland.)

Finally, if the landscaping plans for the site have changed since December 2000, this office would like a copy of the revised planting plans for review. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 211- 00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

CLEARINGHOUSE REVIEW

March 12, 2001

**RECEIVED**

MAR 15 2001

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honeczy, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3895-2-184  
Annapolis Skate Park, Anne Arundel County → *Annapolis*

This project proposes to further develop Truxton Park with a skate park. The proposed 80' x 100' area that is located in the corner of the municipal pool parking lot will be resurfaced with an ultra smooth, all-weather surface along with the installation of several skating structures and an eight foot fence.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

✓

*Dm 3/16/01*

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

\_\_\_\_\_

\_\_\_\_\_

3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

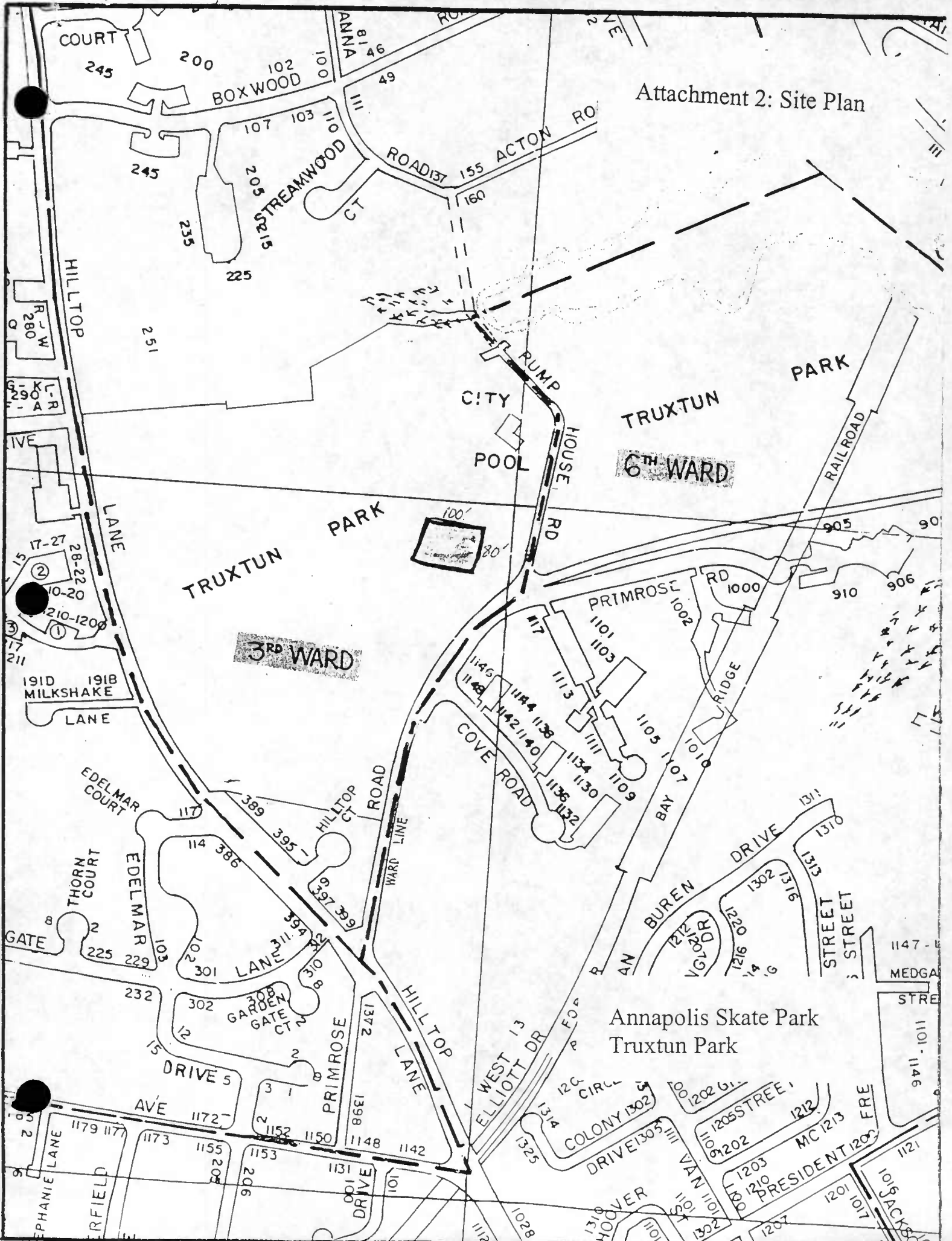
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Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.

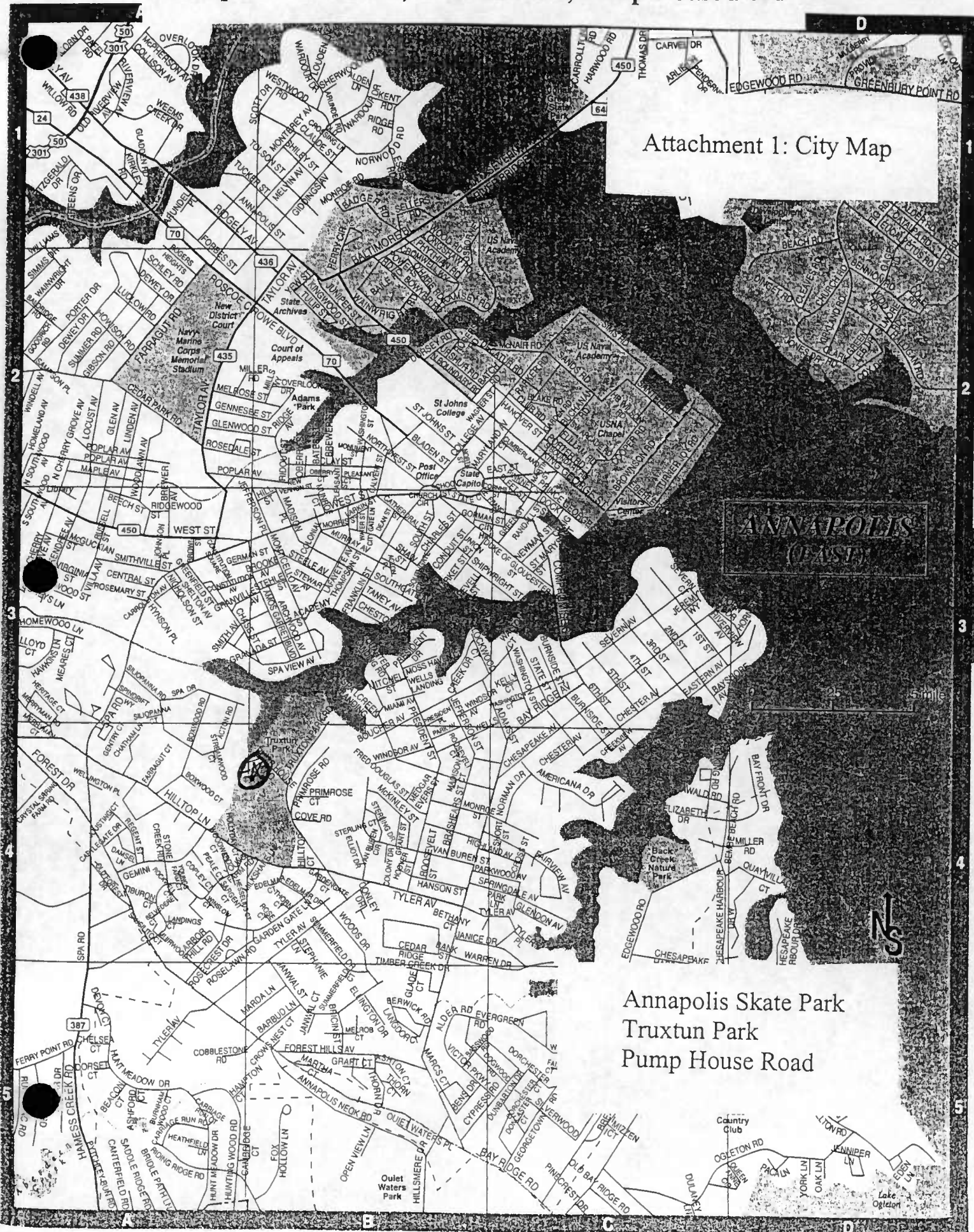


Attachment 2: Site Plan



# Annapolis Skate Park, Truxtun Park, Pump House Road

Attachment 1: City Map



Annapolis Skate Park  
Truxtun Park  
Pump House Road

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 6, 2001

Mr. Donald Sparklin  
Assistant Division Chief  
Project Planning Division  
State Highway Administration  
707 North Calvert Street  
Baltimore, Maryland 21202

RE: Project No. AA671A21; MD 70 at College Creek  
Channel Remediation and Slope Repair  
Anne Arundel County

Dear Mr. Sparklin:

This office has reviewed the above referenced project. In your letter dated February 5, 2001, you state that this project is consistent with the Memorandum of Understanding (MOU) between MDOT and the Critical Area Commission. After reviewing the information submitted and the MOU, this office believes the proposed project does not meet the MOU.

This project does not meet the MOU because the proposed stabilization of the outfall next to College Creek will impact the 100-foot Buffer. Because there will be excavation, grading, and filling within the 100-foot Buffer, this project will require formal approval by the Chesapeake Bay Critical Area Commission. This office will need additional information which includes the following:

1. A detailed site plan, including impacts in the Critical Area and the Buffer;
2. Information regarding the status of any permits necessary for this project; and,
3. Proposed efforts to provide mitigation for impacts to the Buffer.

Since this project impacts the 100-foot Buffer, it will require a Conditional Approval by the Critical Area Commission as outlined in COMAR 27.02.06. You will find attached, a section of COMAR, for your information. Please respond to section "B" and "C" in COMAR 27.02.06.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

**Continued, Page Two**  
**Channel Remediation and Slope Repair**  
**March 6, 2001**

If you have any questions, or if I can provide additional information, please feel free to call me at (410) 260-3483.

Sincerely,

*Dawnn McCleary*  
Dawnn McCleary  
Natural Resources Planner

cc: Van Funk  
Kate Meade  
Regina Esslinger  
State: 08-01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 26, 2001

Mr. Jeff Torney  
Planner  
City of Annapolis Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, Maryland 21410

RE: Tucker and Johnson BOA Variance  
143 Spa Drive, Annapolis

Dear Mr. Torney:

This office has received and reviewed the most recent revised site plans with changes from the applicant. The lots are being consolidated from six (6) lots to two (2) as minor subdivision. This office understands that the minor subdivision is being reviewed by the City for approval. The applicant is proposing to keep the existing house on Lots 37-39 and get a variance to build a new house on Lots 34-36 in the 100-foot Buffer which is currently undeveloped. A shared driveway is being proposed for both houses.

After reviewing the site plan, this office does not oppose the variance. The applicant has reduced the amount of driveway and moved the house on Lots 34-36 farther out of the Buffer from the original design. This office understands that stormwater management will be addressed during permit review.

Critical Area staff recommends mitigation for the area of the Buffer disturbance at a 3:1 ratio, in native plantings, on site if possible. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

*Dawnn McCleary*  
Dawnn McCleary  
Natural Resources Planner

cc: Dirk Geratz  
Lance Johnson  
Regina Esslinger  
AN 586-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 26, 2001

Mr. Jeff Torney  
Planner  
City of Annapolis Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

RE: Shearwater Condos Project  
Spa Creek Landing

Dear Torney:

The applicant is proposing to install two retaining walls at a condominium complex in the 100-foot Buffer to curb erosion of slopes in the area. The condominium complex is located within the Limited Development Area and is in a Buffer Exemption Area. Wall # 1 is approximately 22 feet from the water and the wall # 2 is approximately 10 feet from the water.

After evaluating the submittal and visiting the site, it appears that the proposal to build wall # 1 and # 2 does not meet the Buffer Exemption Policy paper. (*See Buffer Exemption Area Policy for Commercial, Industrial, Institutional, Recreational, and Multi-Family Residential Development, Page 2, Letter C, No. 3*) There is no evidence of shore erosion taking place within the 100-foot Buffer in both areas. Most of the disturbance on the slope behind the boat rack is caused by the boat rack hitting into the slope causing vegetation loss. For wall # 1, this office recommends that shrubs be planted behind the boat rack to prevent the boat from denuding the hill. The applicant may want to consider alternative boat racks that will minimize this situation.

For wall # 2, it appears that most of the disturbance to the vegetation is coming from human activity. Therefore, this office recommends that the applicant replant the area heavily with trees and shrubs. This will discourage people from having easy access to the area of the vegetation loss.


Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Continued, Page Two  
Shearwater Condos Project  
February 26, 2001

Please forward a buffer planting plan for the two areas once it has been completed. I will provide comments at that time and am available to assist in its design if you desire. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
AN 40- 01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 26, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Dept. of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: Patapsco Wastewater Treatment Plant

Dear Mr. Stuart:

Thank you for providing "Notification of Certification" that the above project is consistent with Baltimore City's Critical Area Program. The project site is an existing sewer treatment plant in the Patapsco River. The wastewater treatment plant consists of wastewater treatment facilities, sludge treatment facilities, and a chlorination\dechlorination facilities for disinfection of treated effluent water. Critical Area staff understands that the project involves the construction of two additions and parking lots for both of the chlorination and dechlorination buildings which will improve the wastewater treatment plant's effluent water.

The site is located within the Chesapeake Bay Critical Area in an Intensely Developed Area. The wastewater treatment plant sits on 66.30 acres, of which 42.43 acres are in the Critical Area. Both existing buildings are currently operating as chlorination\dechlorination buildings. The proposed building and parking lot additions will remain consistent with the existing land use and will not impact sensitive natural resources. The shoreline and the entire site are both contaminated by chromium. Lawn is the only vegetation present on site.

Critical Area Commission staff also understands:

1. That a fee was paid to the City for Buffer disturbance back in March, 1989 for construction of dechlorination facility in the amount of \$63,750.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



*Continued, Page Two*  
*Patapsco Wastewater Treatment Plant*  
*Chlorination\Dechlorination Facility Additions*  
*February 26, 2001*

2. That a fee was paid to the City back in June, 1991 for disturbance outside of the Buffer, but within the Critical Area. The area of disturbance to the construction of the plant expansion project was 17.1 acres and a stormwater offset fee to comply with the 10% rule was paid into the City's offset fee in the amount of \$29,136;

3. That a stormwater comprehensive review of all areas (42.43 acres) within the Critical Area was performed by the Dept. of Public Works in 1995. A stormwater offset fee of \$51,183 was calculated. Because \$29,136 in stormwater offset fees were previously paid, this amount was credited against the total fee leaving \$22,047. The remaining stormwater offset fee of \$22,047 was paid to the City on March 19, 1995 which completed all stormwater fees for the entire site.

4. That stormwater runoff during construction for both the chlorination\dechlorination facilities will be mitigated by sediment and erosion control measures. All appropriate measures were approved by Baltimore City's Department of Public Works;

5. That the building and parking lot additions for the chlorination building will result in an increase in the impervious area of 6,795 sq. ft., with 6,695 sq. ft. in the 100-foot Buffer. The Buffer fee for the chlorination building renovation within the Buffer totals \$16,737.50 to be paid to the City;

6. That the building and parking lot additions for the dechlorination building will result in an increase in the impervious area by 4,138 sq. ft. However, 3,618 sq. ft. are situated within an area where a Buffer fee was previously paid to the City. That, leaves 520 sq. ft. of Buffer fee to be paid. The Buffer fee for the dechlorination building renovation in the Buffer area totals \$1,300.00 which will be paid to the City; and,

7. That the proposed development will be located adjacent to the outfall of the plant and the existing facilities and it is anticipated that this project will improve the quality of the plant's effluent water. Also, all areas disturbed during construction activities will be stabilized during construction and after project completion.

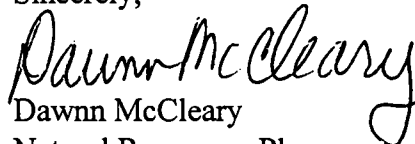
The Commission staff has determined that the above proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area program of the local jurisdiction, and 3) is not considered by the Commission as major development.

*Continued, Page Three*  
*Patapsco Wastewater Treatment Plant*  
*Chlorination\Dechlorination Facility Addition*  
*February 26, 2001*

(See COMAR: Chapter Two, Regulations for Development in the Critical Area Resulting from State and Local Agency Programs). Therefore, approval of the above project by the Commission is not necessary.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Larry Wang  
Regina Esslinger  
BA 80- 01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 26, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Dept. of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

RE: C. Steinweg Project  
2101 East Fort Avenue

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to tear down the existing building and construct a new 251,341.20 square feet warehouse on the existing site. Because this project is in the City's Intensely Developed Area, the applicant must comply with the 10% pollution reduction requirements or pay fees-in-lieu.

After reviewing the site plan and 10 % calculations, this office does not oppose the project. However, it appears that the applicant can fulfill some of the pollutant removal on site. This office recommends that the applicant consider the use of sandfilters and/or bioretention as an effective best management practice (BMP). (*See 2000 Maryland Stormwater Design Manual, Pages D.4.11 - D.4.12, Table D.4.7 and D.4.8*) If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 62-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 14, 2001

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
403 South 7<sup>th</sup> Street, Suite 200  
Denton, Maryland 21629

RE: John and Denise Nauman  
Local Case Number: 01-03V

Dear Ms. Schmick:

Thank you for the opportunity to review the above revised variance application. This office has reviewed the applicant's proposal to build a 24' x 24' (576 square foot) detached garage and to allow a 20' pool and 14.5' x 10' (145 square feet) shed with a 6' x 10' (60 square feet) roof overhang to remain in the 100-foot Buffer. The property is 0.5099 acres and is designated a Limited Development Area.

After reviewing the site plan, this office does not oppose the variance for the garage. It appears that the garage can be moved farther out of the Buffer if it is placed on the end of the stone driveway.

However, this office opposes the variance for the pool and shed. Under the variance standards, findings must be made which demonstrate the applicant's ability to meet the standards, especially the standards of unwarranted hardship. (See COMAR 27.01.11.01). This office does not believe that the variance standards have been met concerning the need for a pool and shed in the 100-foot Buffer.

This office recommends that, if this variance is granted, all disturbance to the 100-foot Buffer be mitigated at a 3:1 ratio, using native plantings, on site if possible.

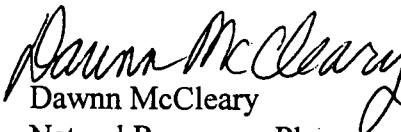
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

*Continued, Page Two*  
*John and Denise Naumann Variance*  
*February 14, 2001*

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
CR 06-01



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 14, 2001

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
403 South 7<sup>th</sup> Street, Suite 200  
Denton, Maryland 21629

RE: Mary Macrides and Rick Davis  
Local Case Number: 01-08V

Dear Ms. Schmick:

Thank you for the opportunity to review the above variance application. This office has reviewed the applicant's proposal to allow an existing 3' wide steps and an existing 10' x 10' platform to remain in the 100-foot Buffer. The property is 2.19 acres and is designated a Limited Development Area.

After reviewing the site plan, this office does not oppose the variance for the 3' wide steps for shoreline access. However, this office opposes the variance for the 10' x 10' (100 square feet) platform as proposed and recommends that the platform be reduced. The existing platform has created additional disturbance to the 100-foot Buffer and is not the minimum size necessary for access. Under the variance standards, findings must be made which demonstrate the applicant's ability to meet the standards, especially the standards of unwarranted hardship. (See COMAR 27.01.11.01). This office does not believe that the variance standards have been met concerning the need for a 100 square foot platform.

Pathways and steps for shoreline access should be no more than three feet in width for egress (not including posts and railings) to minimize disturbances to the 100-foot Buffer, steep slopes and stable shorelines. Also, this office recommends that disturbance to the Buffer for shoreline access be mitigated at a 2:1 ratio, using native Buffer plantings. Any clearing for access must be kept to a minimum.

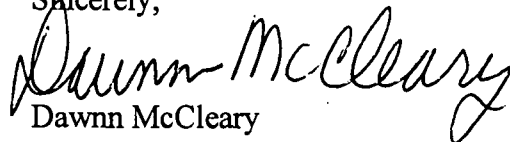
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

**Continued, Page Two**  
**Mary Macrides Variance**  
**February 14, 2001**

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
CR 77- 01

## CLEARINGHOUSE REVIEW

January 30, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honecny, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, <sup>Dir.</sup> Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3828-24-182  
Park Building Modernization FY 01, Baltimore City

This project proposes to make improvement to buildings which serve recreation in two parks: Carroll Park (171.5 acres) and Reedbird Park (88 acres). Renovate and reopen the historic Carroll Park Fieldhouse (1926.) Renovations include roof replacement, lead paint removal, new windows and doors, new restrooms, a new electric system and accessible walks and entrances. In Reedbird Park, renovations will be made to the Cherry Hill Pool Bath House. Improvements include a new roof, wiring upgrades, lead paint removal and accessible entrances to meet ADA regulations.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

### CHECK ONE AND INITIAL

### CHECK

### INITIAL

- |   |               |                   |
|---|---------------|-------------------|
| 1. The project does not conflict with the plans, programs or objectives of this Agency.   | <u>✓</u>      | <u>DM 2/12/01</u> |
| 2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration. | <u>      </u> | <u>      </u>     |
| 3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.                        | <u>      </u> | <u>      </u>     |

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



## CLEARINGHOUSE REVIEW

January 30, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
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### CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

✓

DM 2/12/01

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

\_\_\_\_\_

\_\_\_\_\_

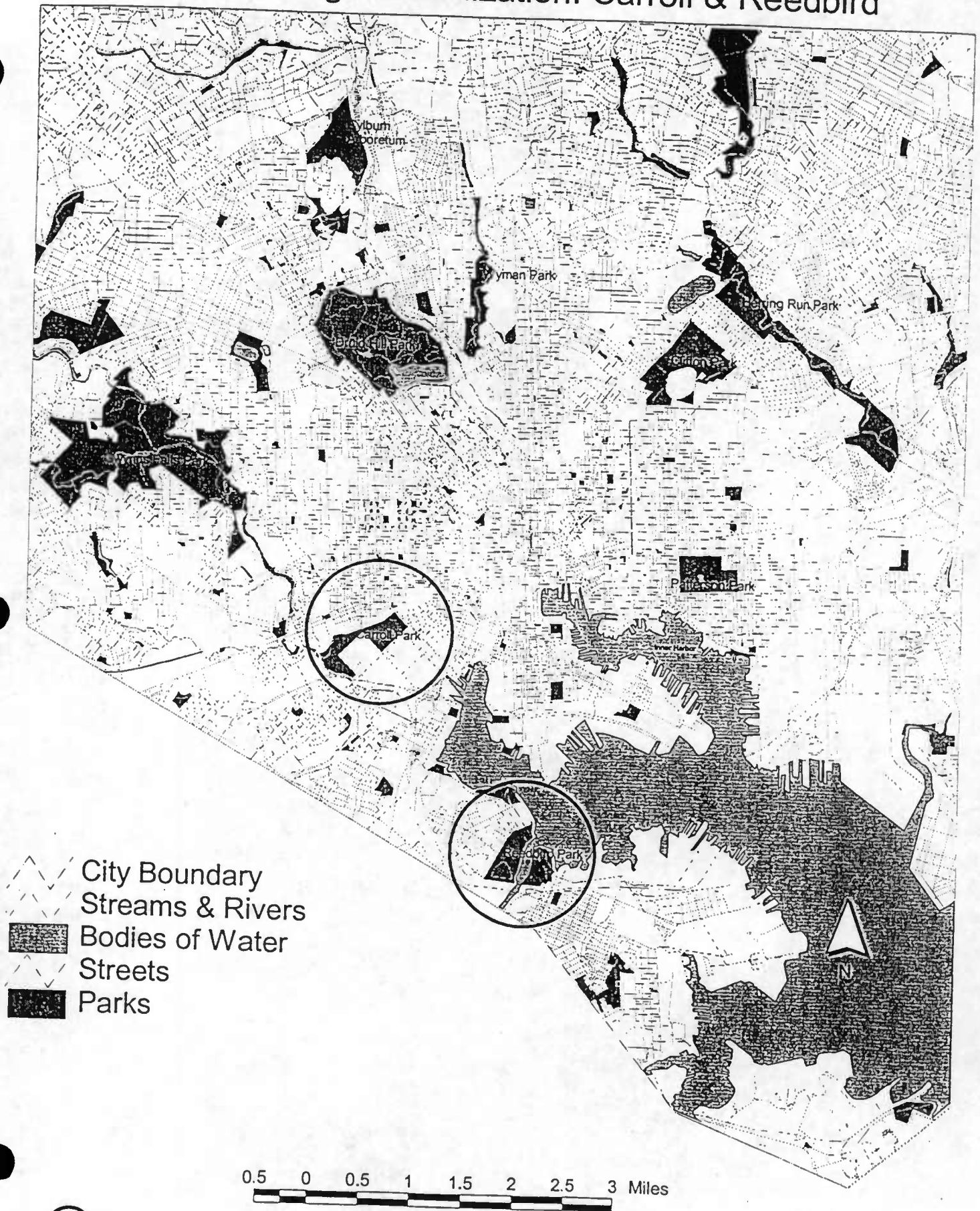
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

\_\_\_\_\_

\_\_\_\_\_

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.

# Baltimore City Consolidated Annual Program FY01: Park Building Modernization: Carroll & Reedbird

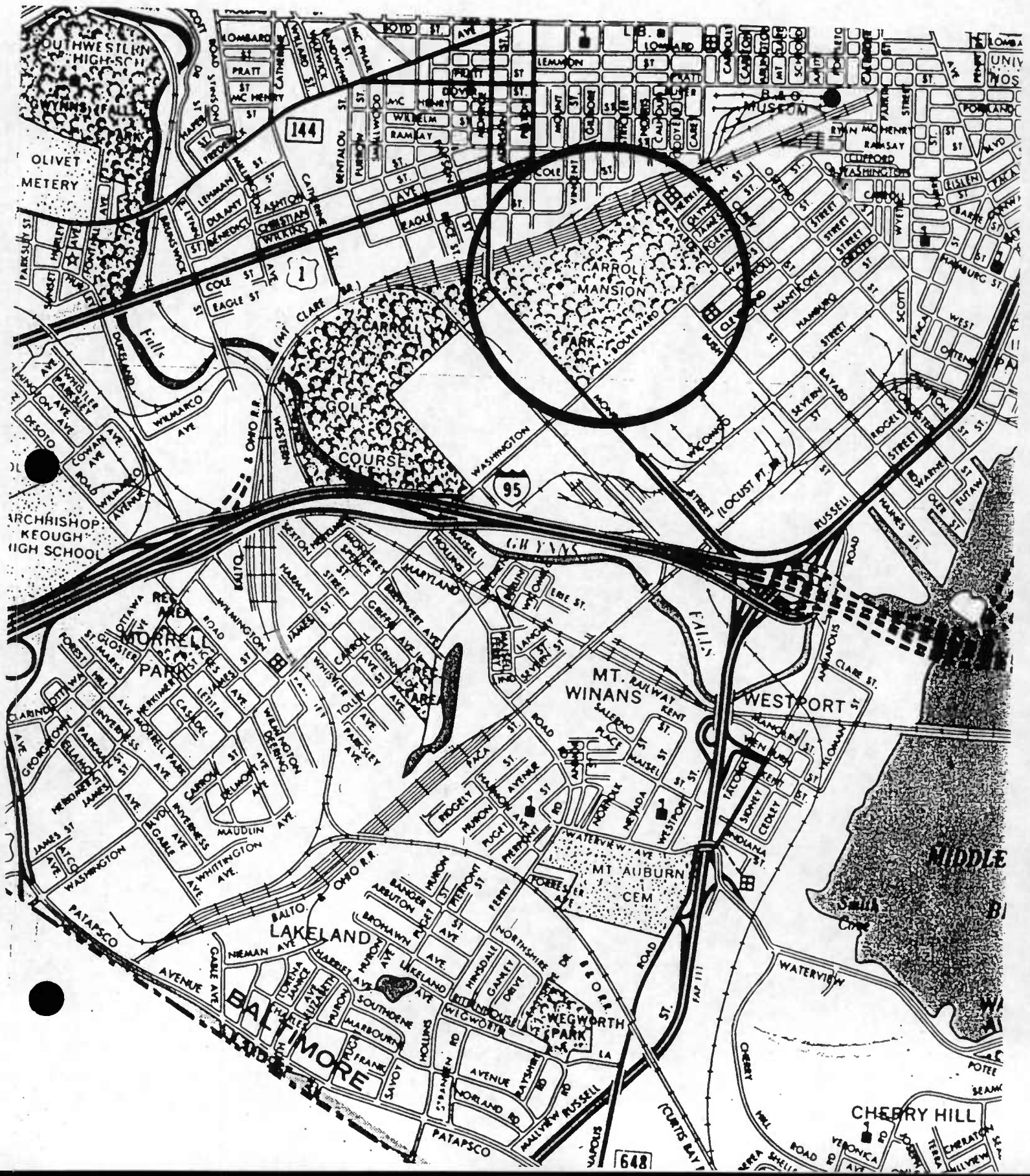


Baltimore City Department of Recreation and Parks  
Mayor Martin O'Malley

DRAFT: September 2000

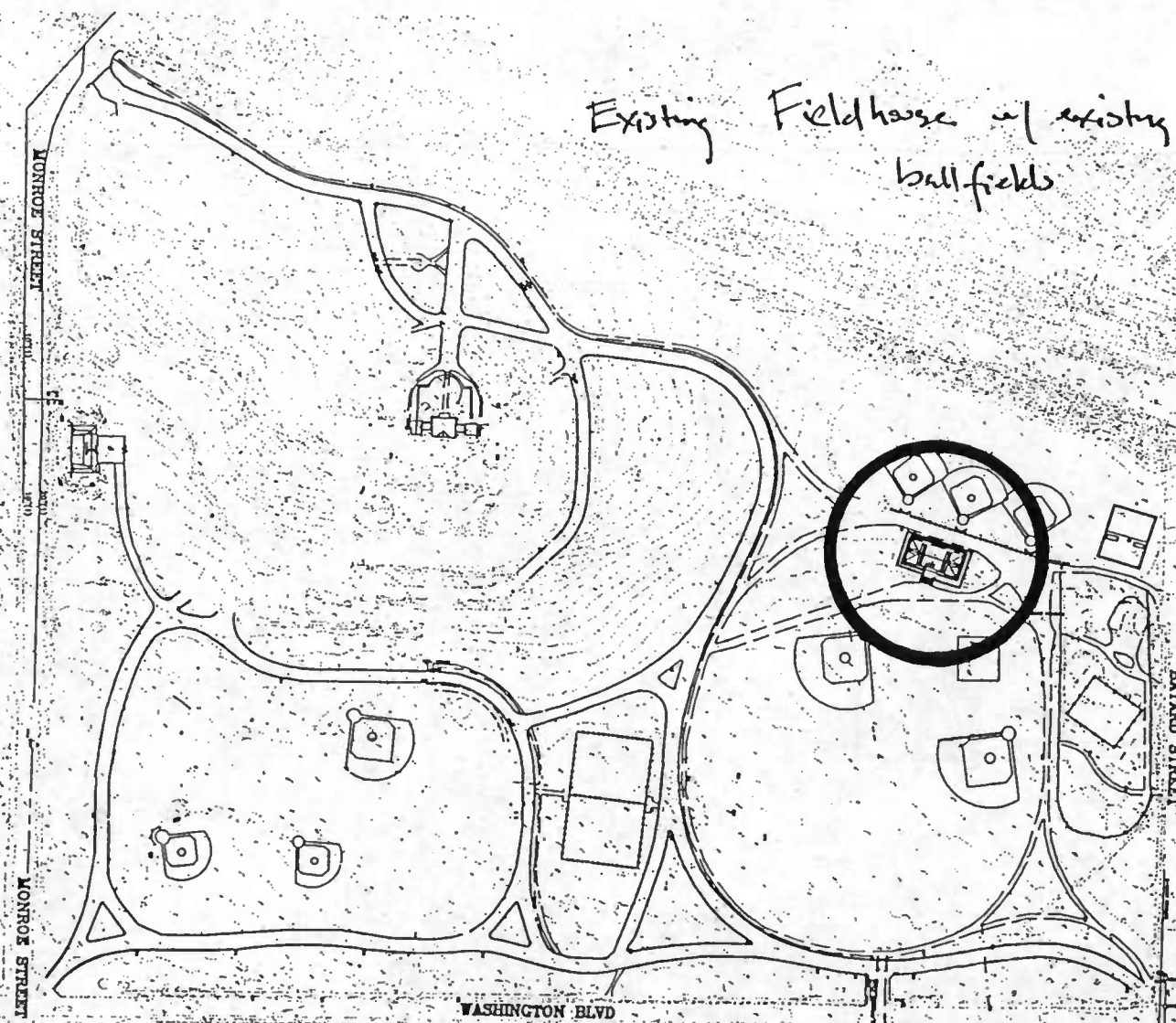
Thomas V Overton, Director

Baltimore City Consolidated Annual Program FY01:  
Park Building Modernization: Carroll Park





Existing Fieldhouse w/ existing  
ballfields



Baltimore City Consolidated Annual Program FY01:  
Park Building Modernization : Carroll Park

**CARROLL PARK MASTER PLAN**  
Departments of Recreation & Parks, and Planning  
City of Baltimore, Maryland

Client:  
City of Baltimore  
Recreation & Parks  
1000 North Ave.  
Baltimore, Maryland 21207  
Planning Dept.  
417 East Fayette Street  
Baltimore, Maryland 21202  
Landscape Architect:  
LANDSCAPES  
LA+Planning+HP  
101 Paul Road, West  
Farmingdale, Connecticut 06425  
(203) 327-0210  
301 Lake Road  
Charlotte, Vermont 05445  
(802) 439-4329  
Engineer:  
EBA Engineering  
2000 North Ave.  
Baltimore, Maryland 21205-0200  
(410) 382-7171  
Historian:  
Lompl Associates  
2111 Allen Avenue  
Baltimore, Maryland 21204-0011  
(410) 382-0077  
Architect:  
Kann & Associates  
101 East  
Baltimore, Maryland 21202  
(410) 332-0077

Drawing Title:  
Drawing No.:  
S-101

© Carroll Park Master Plan  
 Prepared by  
 Landscape Architect  
 LA Planning, HP  
 101 Post Road West  
 Mount Airy, Maryland 21054  
 (301) 327-5310  
 301 Lake Road  
 Charles, Maryland 21040  
 (301) 425-4330  
 Engineer  
 EBA Engineering  
 4812 Sutter Dr.  
 Baltimore, Maryland 21215-3200  
 (410) 360-7171  
 Masterplan  
 Lompl Associates  
 1111 Allen Avenue  
 Baltimore, Maryland 21201-1011  
 (301) 320-0877  
 Architect  
 Kann & Associates  
 207 East Redwood St.  
 Baltimore, Maryland 21202  
 (301) 520-0877

COMMUNITY  
GARDENS

PLAY FIELD

EXERCISE EVENT BUILDING

±65 CARS

MONTGOMERY WARD SITE

GWYNNS FALLS TRAIL

MONROE STREET

PROMENADE  
OVERLOOK

±40 CARS  
TRAIN PLATFORM

±150 CARS

MOUNT CLARE  
MANSION

PROMENADE + GARDENS

SOCCER + FOOTBALL

SOCCER + FOOTBALL

TENNIS  
BASKETBALL

WASHINGTON BOULEVARD

Field house w/ proposed  
new ball fields

B&O RAILROAD

LITTLE LEAGUE  
±16 CARS  
PAL CENTER

FIELD HOUSE  
LITTLE LEAGUE

SCHOOL

OLYMPIC

TRANSITION

YOUNG

TRANSITION

WATER  
PLAY

PLAY AREA

BLAYD STREET

# CARROLL PARK MASTER PLAN Departments of Recreation & Parks, and Planning City of Baltimore, Maryland

Client:  
 City of Baltimore  
 Department of Parks  
 2000 Southern Ave.  
 Baltimore, Maryland 21217  
 Planning Dept.  
 417 East Fayette Street  
 Baltimore, Maryland 21202  
 Landscape Architect:  
 LANDSCAPES  
 LA Planning, HP  
 101 Post Road West  
 Mount Airy, Maryland 21054  
 (301) 327-5310  
 301 Lake Road  
 Charles, Maryland 21040  
 (301) 425-4330  
 Engineer:  
 EBA Engineering  
 4812 Sutter Dr.  
 Baltimore, Maryland 21215-3200  
 (410) 360-7171  
 Masterplan:  
 Lompl Associates  
 1111 Allen Avenue  
 Baltimore, Maryland 21201-1011  
 (301) 320-0877  
 Architect:  
 Kann & Associates  
 207 East Redwood St.  
 Baltimore, Maryland 21202  
 (301) 520-0877

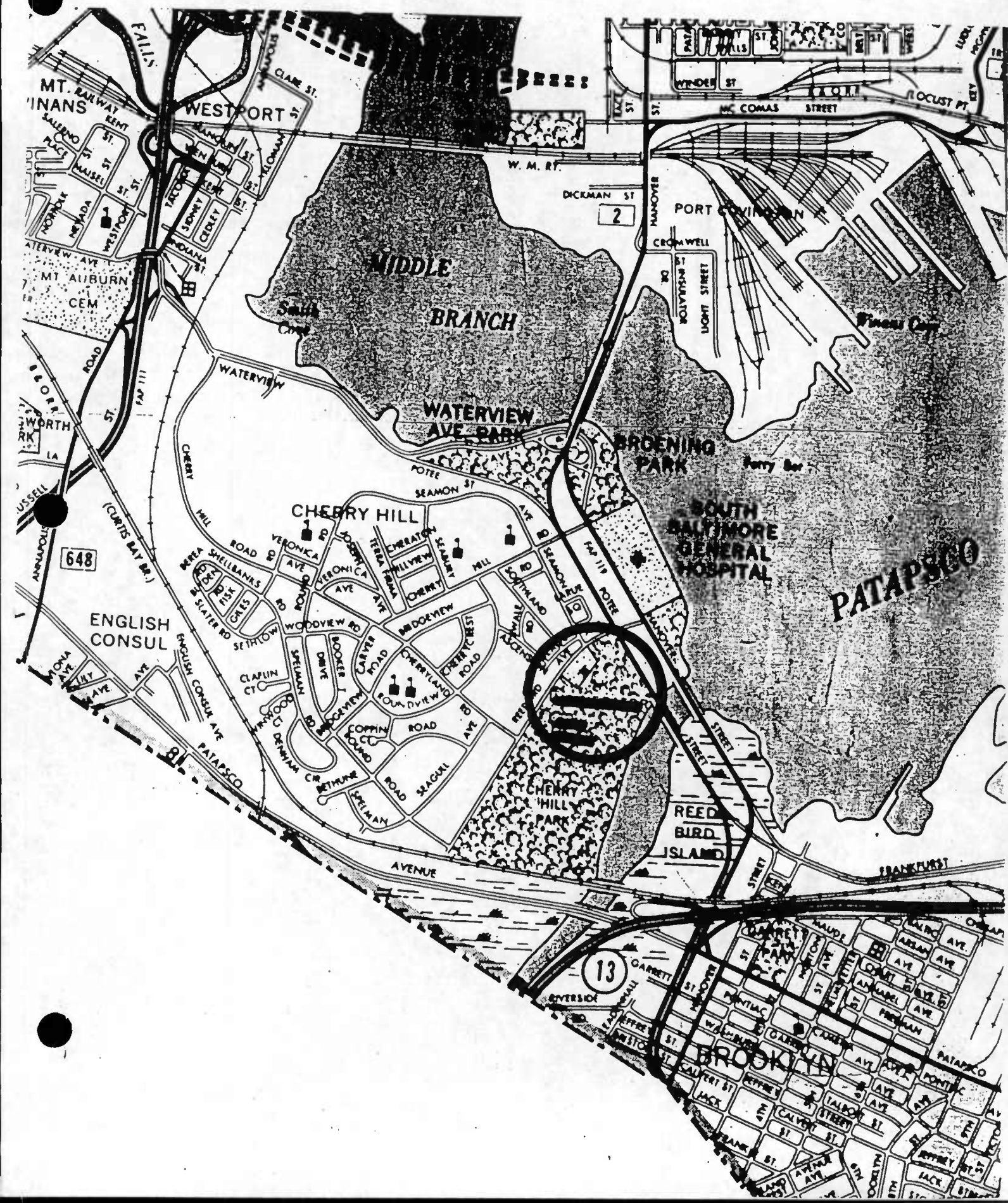
Planning Date

Issue Date  
 October 12, 1999

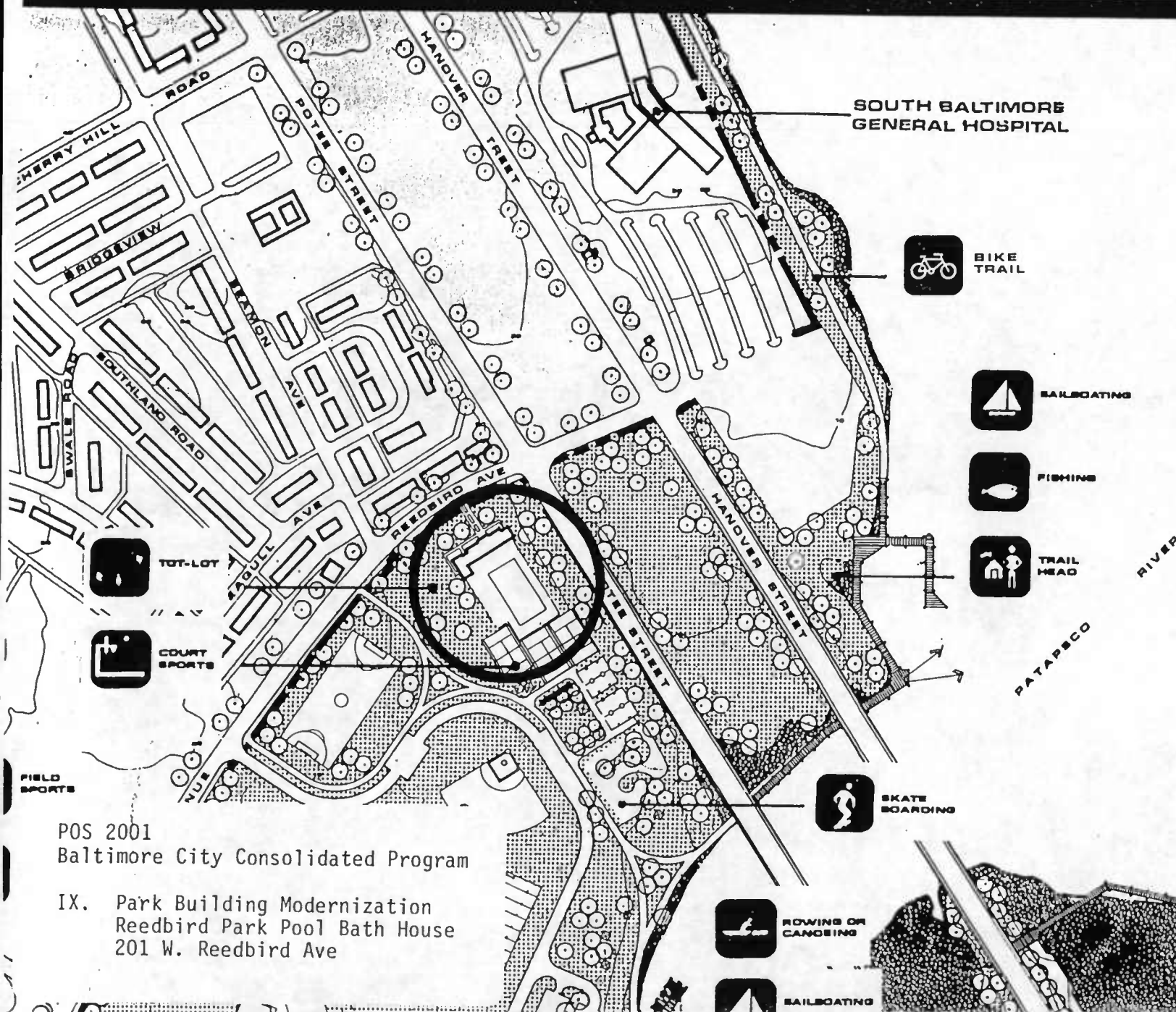
Planning Date

Baltimore City Consolidated Annual Program FY01:  
 Park Building Modernization : Carroll Park

# Baltimore City Consolidated Annual Program FY01: Park Building Modernization: Reedbird Park







## CLEARINGHOUSE REVIEW

January 30, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
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Marian Honecny, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3829-24-183  
Carroll Park Master Plan Phase I FY 01, Baltimore City

This project proposes to reconfigure the three existing ball fields in the eastern side of the park into a complex of 4 ball fields. Major renovations include new bleaches, backstops and turf establishment. Back stops and baselines from the old baseball fields on the western side of the park will be removed to allow for use of this turf area by football, soccer and festivals.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

### CHECK ONE AND INITIAL

### CHECK

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✓

Dm 2/12/01

RECEIVED

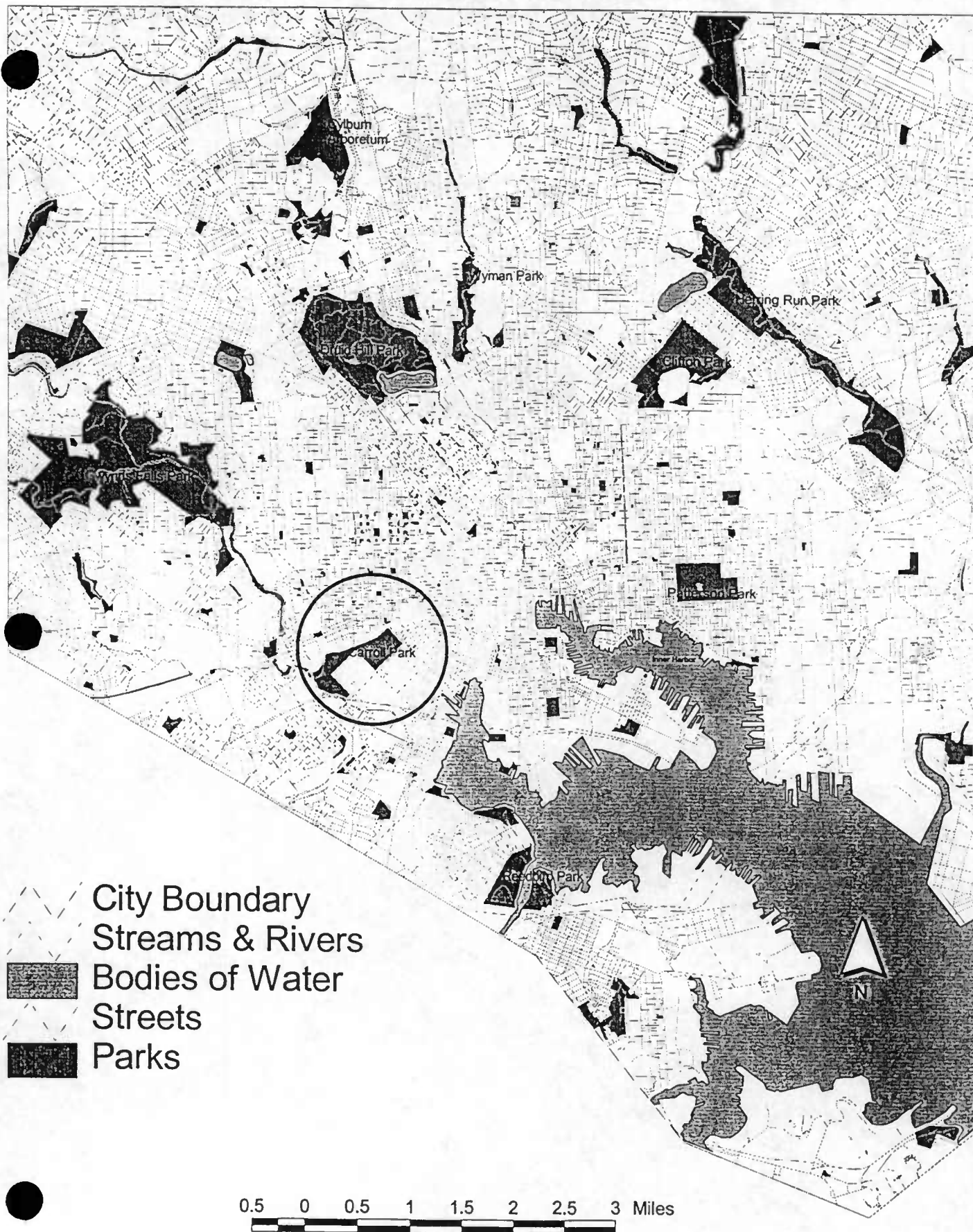
FEB 6 2001

CHESAPEAKE DIVISION  
NATURAL AREA DIVISION

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



# Baltimore City Consolidated Annual Program FY01: Carroll Park Master Plan Phase 1



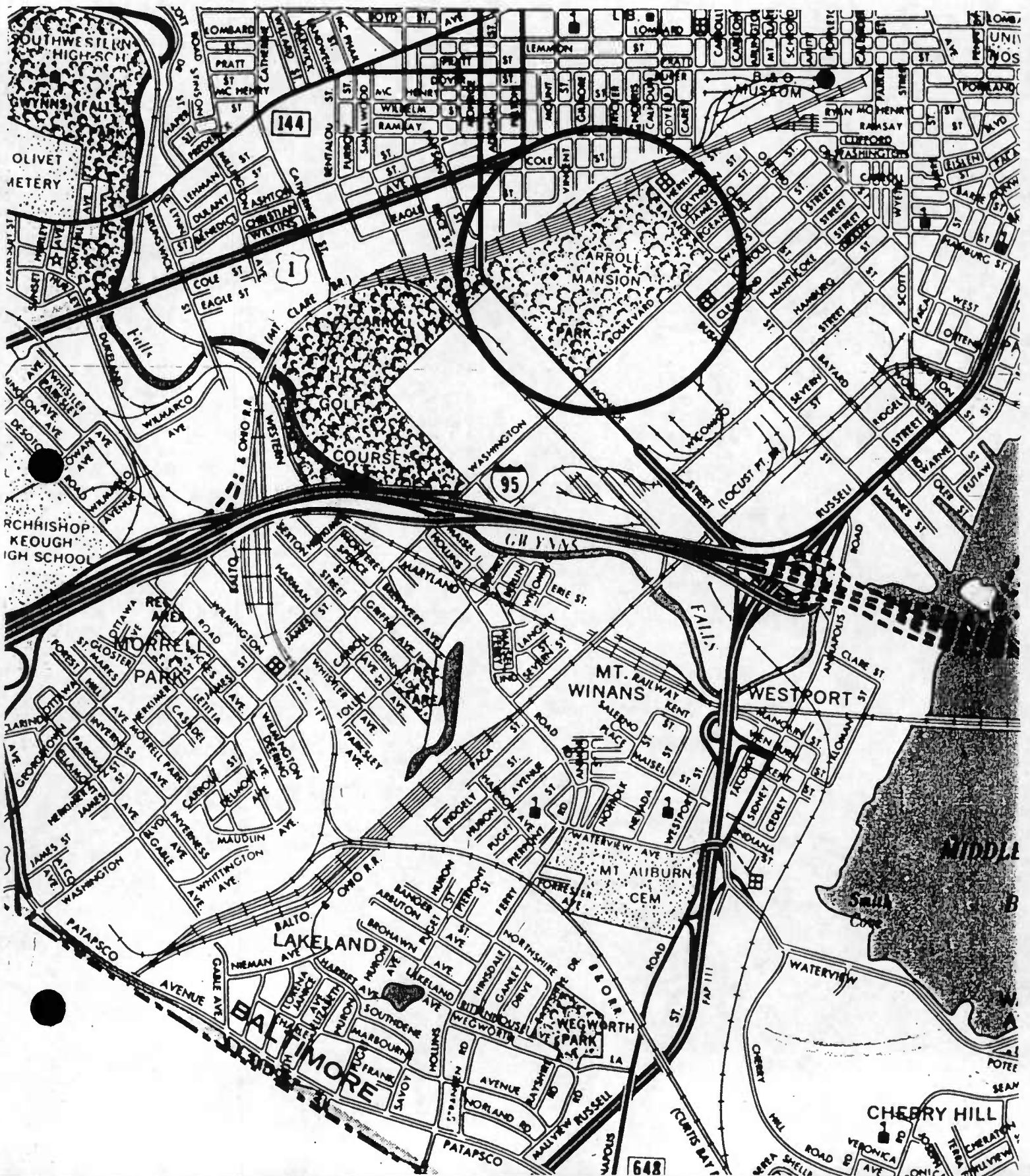
Baltimore City Department of Recreation and Parks

Mayor Martin O'Malley

DRAFT: September 2000

Thomas V Overton, Director

# Baltimore City Consolidated Annual Program FY01: Carroll Park Master Plan : Phase I







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COMMUNITY GARDENS

PLAY FIELD

240 CARS  
TRAIN PLATFORM

PROMENADE

OVERLOOK

150 CARS

B&O RAILROAD

LITTLE LEAGUE

16 CARS

FIELD CENTER

EDUCATION & EVENT BUILDING

65 CARS

MOUNT CLARE MANSION

MANSION

MONROE STREET

PROMENADE & GARDENS

SOCCER & FOOTBALL

SOCCER & FOOTBALL

TENNIS

NETBALL

FIELD HOUSE

LITTLE LEAGUE

OLYMPIC

TRANSITION

WATER

EXHIBITION

WATER

PLAY AREA

BAYVIEW STREET

MONTGOMERY WARD SITE

GWYNNS FALLS TRAIL

WASHINGTON BOULEVARD

# CARROLL PARK MASTER PLAN

Departments of Recreation & Parks, and Planning  
City of Baltimore, Maryland

Client:  
City of Baltimore  
Recreation & Parks  
3000 Madison Ave.  
Baltimore, Maryland 21217  
Planning Dept.  
417 East Fayette Street  
Baltimore, Maryland 21202

Landscape Architect:  
LANDSCAPES  
LA, Planning, HP  
101 Post Road, West  
Hamden, Connecticut 06540  
(203) 327-3310

Engineer:  
EBA Engineering  
4811 South Dr.  
Baltimore, Maryland 21216-3200  
(410) 366-7171

Historian:  
Lamp Associates  
2111 Allen Avenue  
Baltimore, Maryland 21218-1811  
(301) 328-9077

Architect:  
Kann & Associates  
207 East Baltimore St.  
Baltimore, Maryland 21202  
(301) 328-9077

Drawing Title:  
Master Plan  
Date & Date:  
October 12, 1999  
Drawing No.:

Baltimore City Consolidated Annual Program FY01:  
Carroll Park Master Plan : Phase I Proposed Improvements

## CLEARINGHOUSE REVIEW

January 30, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honeczy, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3825-24-180  
Baltimore Play Lot Project FY 01, Baltimore City

This project proposes to renovate six playgrounds. Renovations will correct problems involving worn-out equipment, the lack of resilient surface under the play structures and will bring the facilities up to compliance with the latest ADA standards. The areas included in this project are: Gwynns Falls Park/Lyndhurst (7 acres), Orangeville (.24 acres), Penhurst (.92 acres), Wyman Park at 30th and Huntington (1 acres), Wilbur Waters (2.4 acres), and Druid Hill Park (744 acres).

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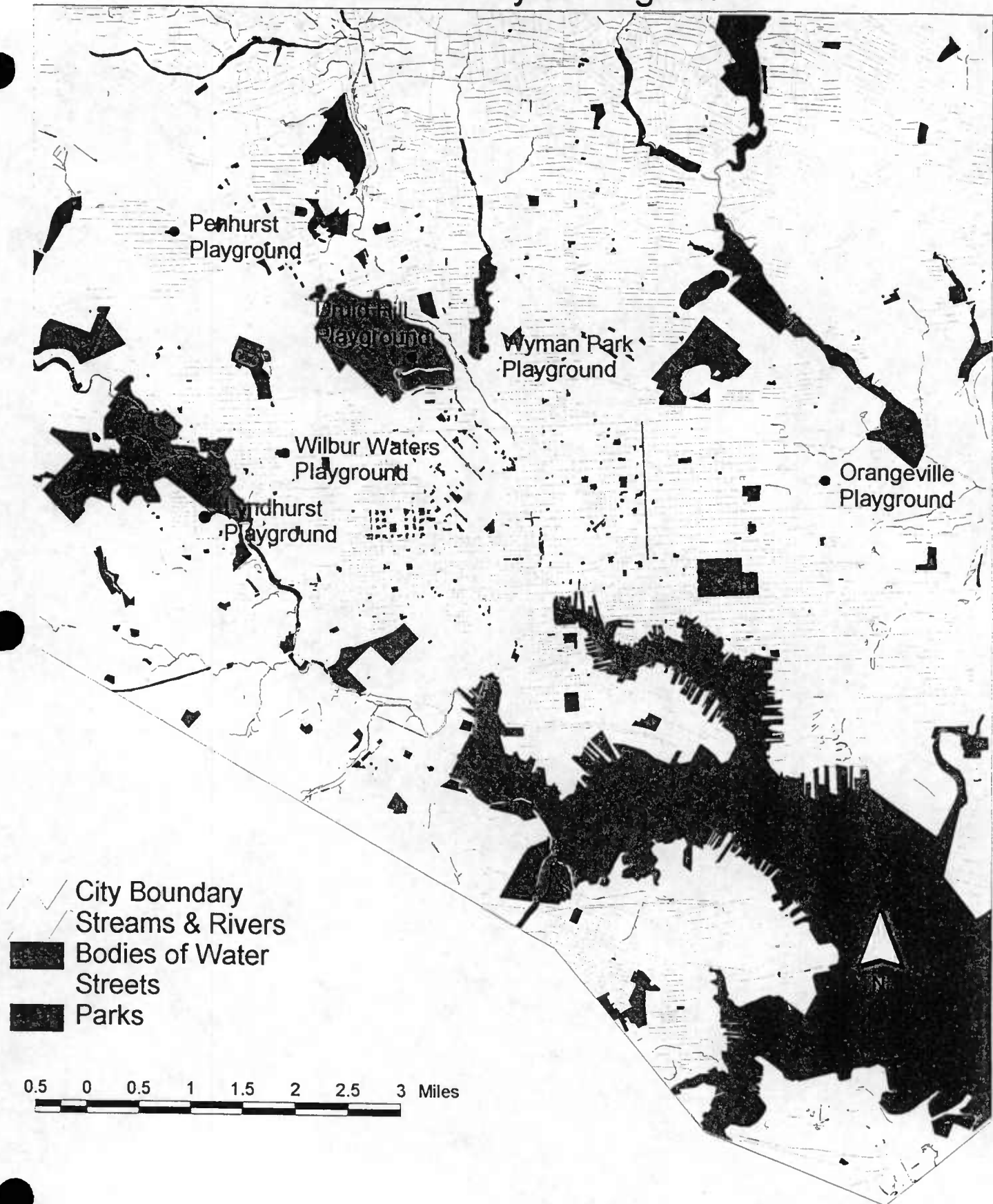
✓

DM 2/12/01  
REC

FEB 6

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4)  
Annapolis, upon completion of review.

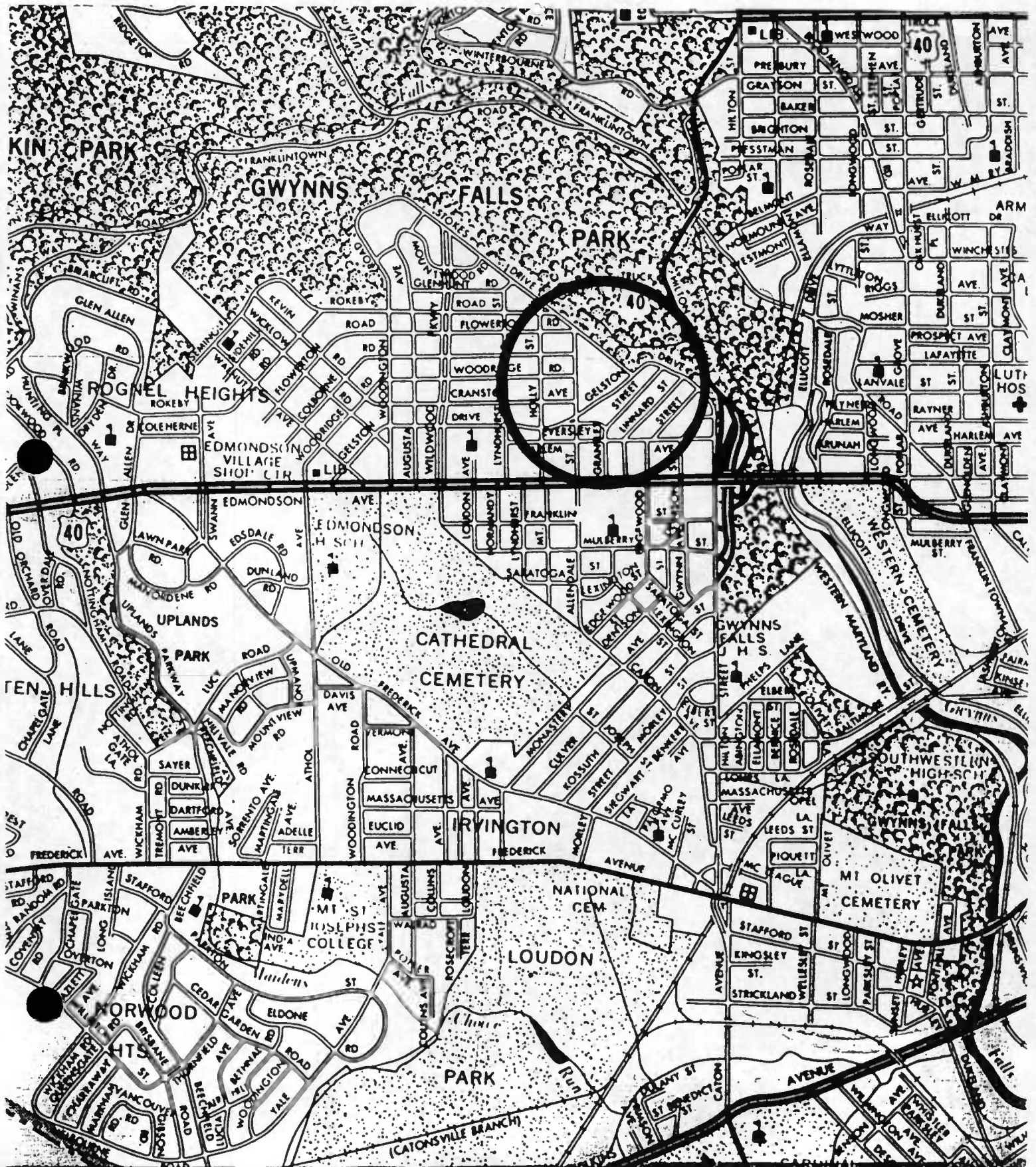
# Baltimore City Consolidated Annual Program FY01 : Baltimore Playlot Program



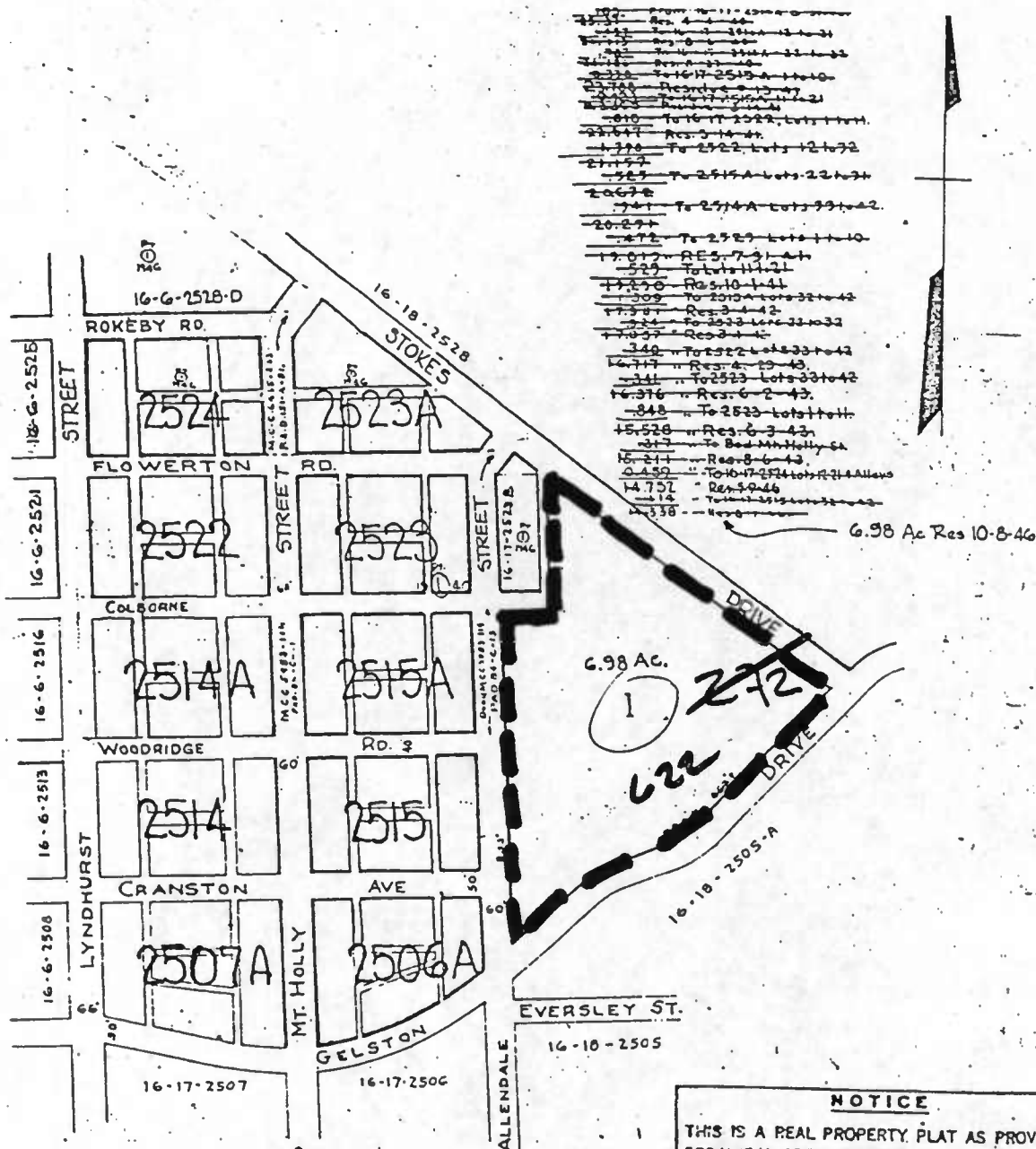
Baltimore City Department of Recreation and Parks



Baltimore City Consolidated Annual Program FY01:  
Baltimore Playlot Program  
Lyndhurst Playground, 835 Allendale St.



# Baltimore City Consolidated Annual Program FY01: Baltimore Playlot Program Lyndhurst Playground, 835 Allendale St.



15-16-2528-1  
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 15-16-2528-100

**NOTICE**

THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76(H) OF THE CITY CHARTER. IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF PLANS & SURVEYS  
PROPERTY LOCATION DIVISION

WARD 16 - SECTION 17  
BLOCK 2528 A/B

SCALE: 1" = 200' DATE: NOV. 1999

NOTE: PART BLOCK 16-6-2499 FOR 1940.

DEDICATED BY: P. Maggla  
 ENTERED BY: P. Maggla  
 CHECKED BY:

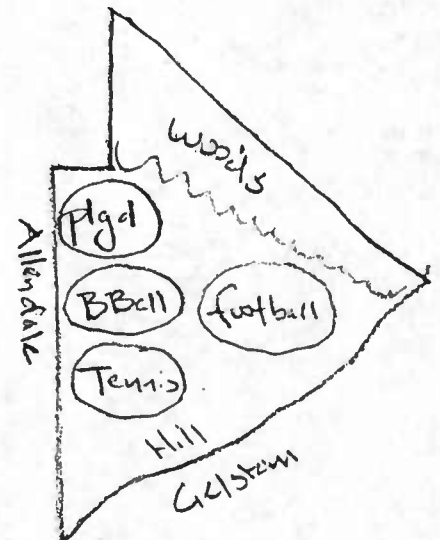
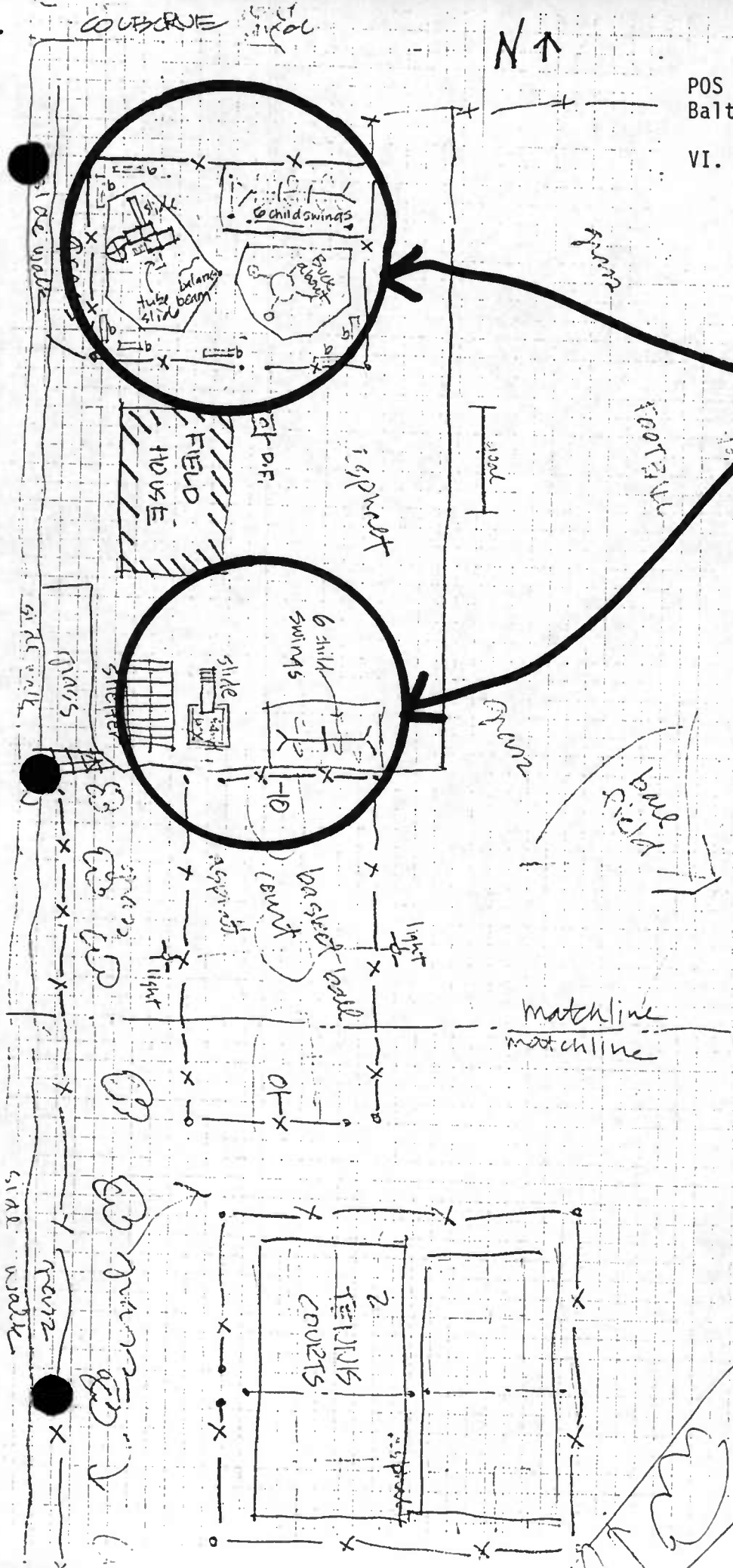
2528 A lot 1  
 835 Allendale  
 Lyndhurst Park  
 "Allendale playlot"



POS 2001  
Baltimore City Consolidated Program

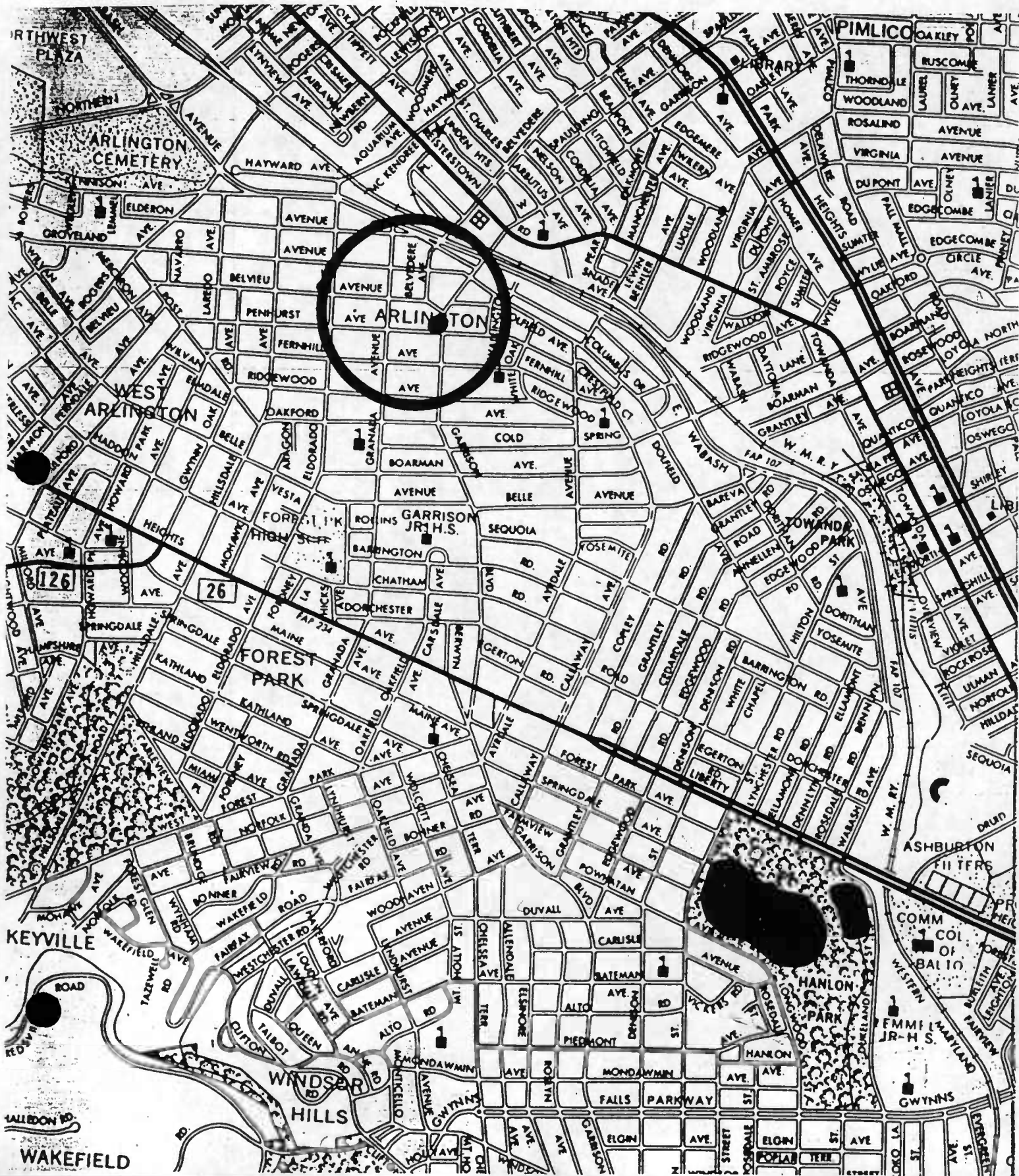
VI. Baltimore Play Lot Project FY01  
Lyndhurst Playground  
835 Allendale St

# Area of Playground Renovation



Field Notes - 1992  
Existing Conditions  
1. 2000

Baltimore City Consolidated Annual Program FY01 :  
Baltimore Playlot Program :  
Penhurst Playground, 404 Penhurst Ave



15-1-2975

GARRISON

B

15-1-2700

AVE.

AVE.

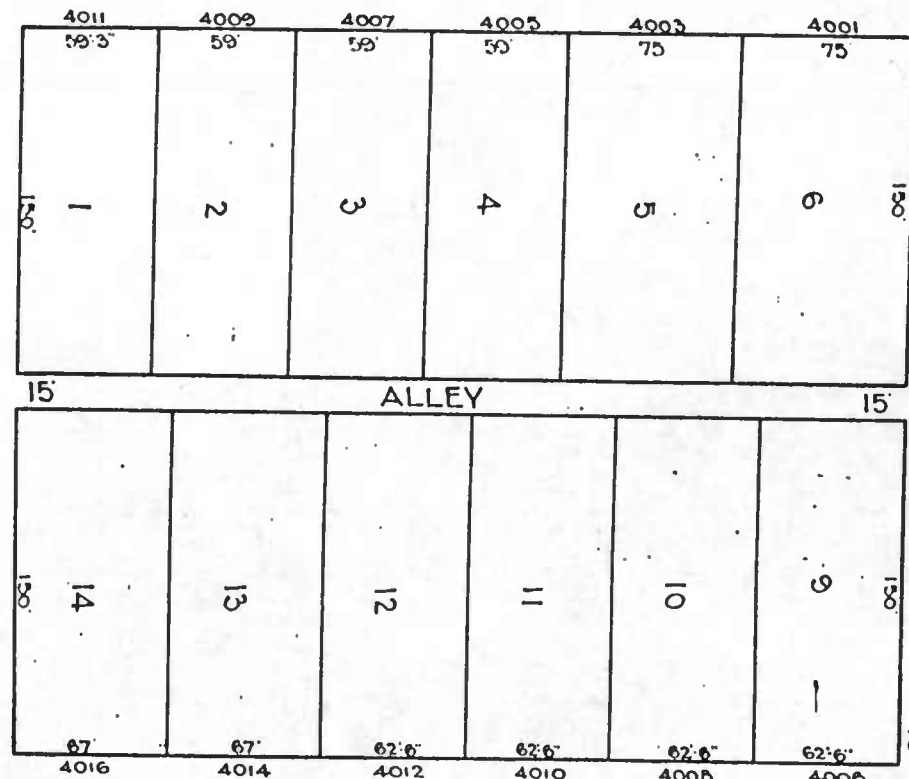
W. BELVEDERE  
AVE.

15-1-2700A

BELVIEU

GRANADA

AVE.



NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED  
FOR UNDER ARTICLE 764 OF THE CITY CHARTER.  
IT IS COMPILED FROM TITLE AND OTHER  
SOURCES AND IS NOT AN AUTHENTIC SURVEY.

TRACED BY: C.C. Miller  
CHECKED BY: J.V. M.L.

CITY OF BALTIMORE  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF PLANS & SURVEYS  
PROPERTY LOCATION DIVISION  
WARD 15 SECTION 1  
BLOCK 2703

SCALE: 1" = 50' DATE: Mch. 1930

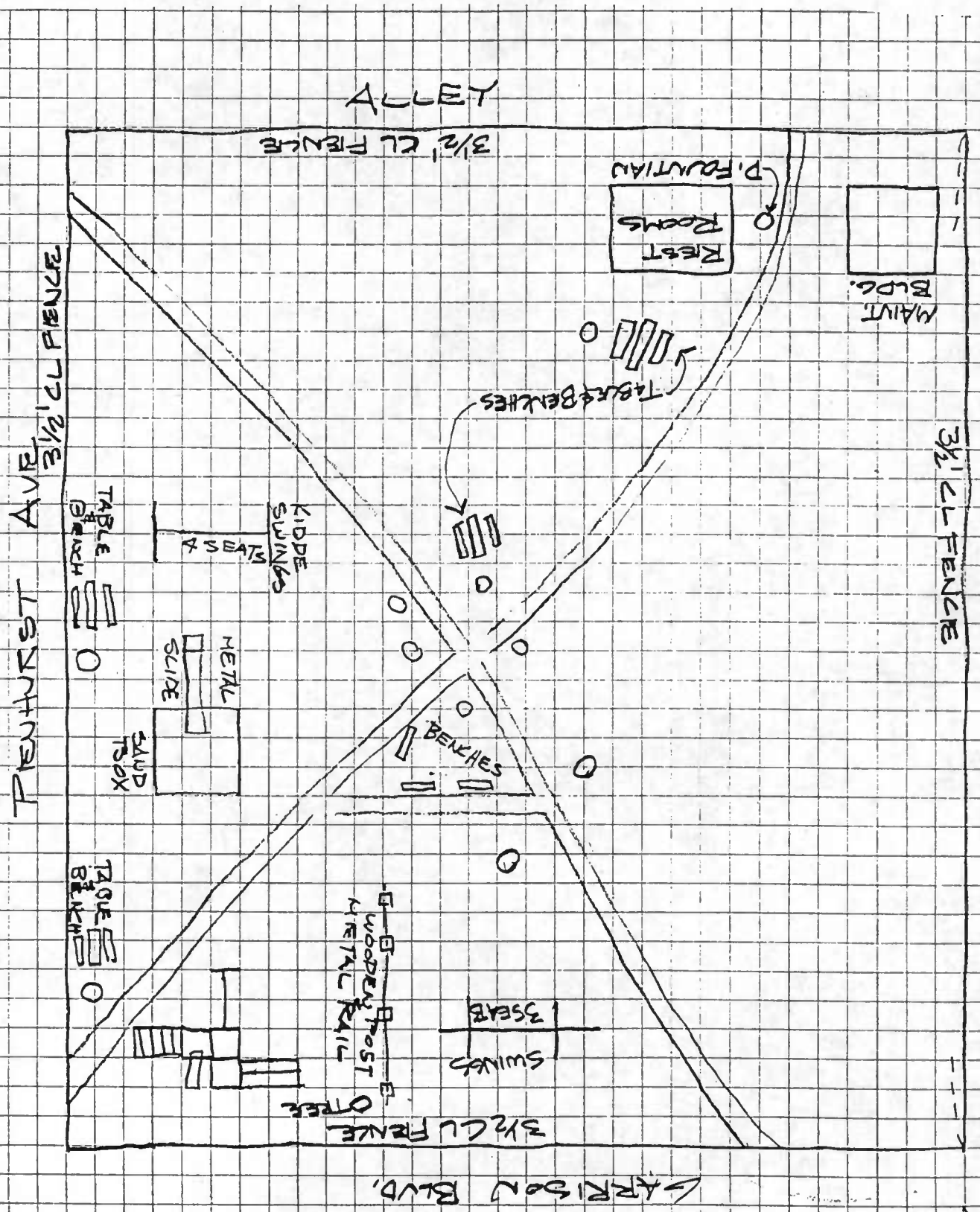
Baltimore City Consolidated Annual Program FY01 :  
Baltimore Playlot Program :  
Penhurst Playground, 404 Penhurst Ave

LOT 008

1154

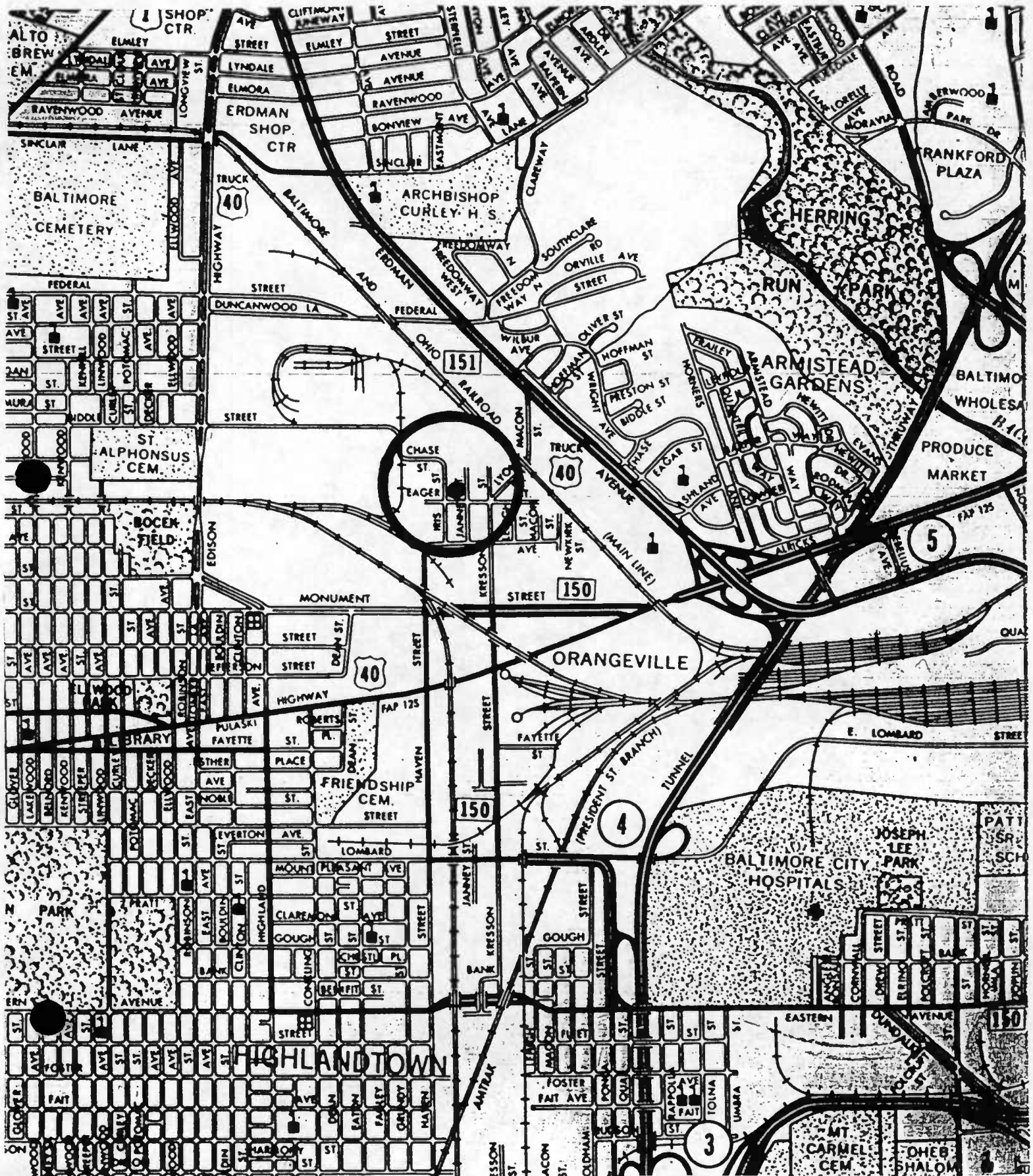


Baltimore City Consolidated Annual Program FY01 :  
 Baltimore Playlot Program :  
 Penhurst Playground, 404 Penhurst Ave



Existing Conditions: 2000

Baltimore City Consolidated Annual Program FY01:  
Baltimore Playlot Program  
Orangeville Playground: 1000 N. Janey St



1007 N. ~~St~~ Janney  
recph recph

# REVISIONS B6188 L.017

Lots 2 & 3 Corrected Per App 1635 C Sh. 1591

Lot 1 Divided Per Bora Ass'n Lazarus C Sh. 1518.

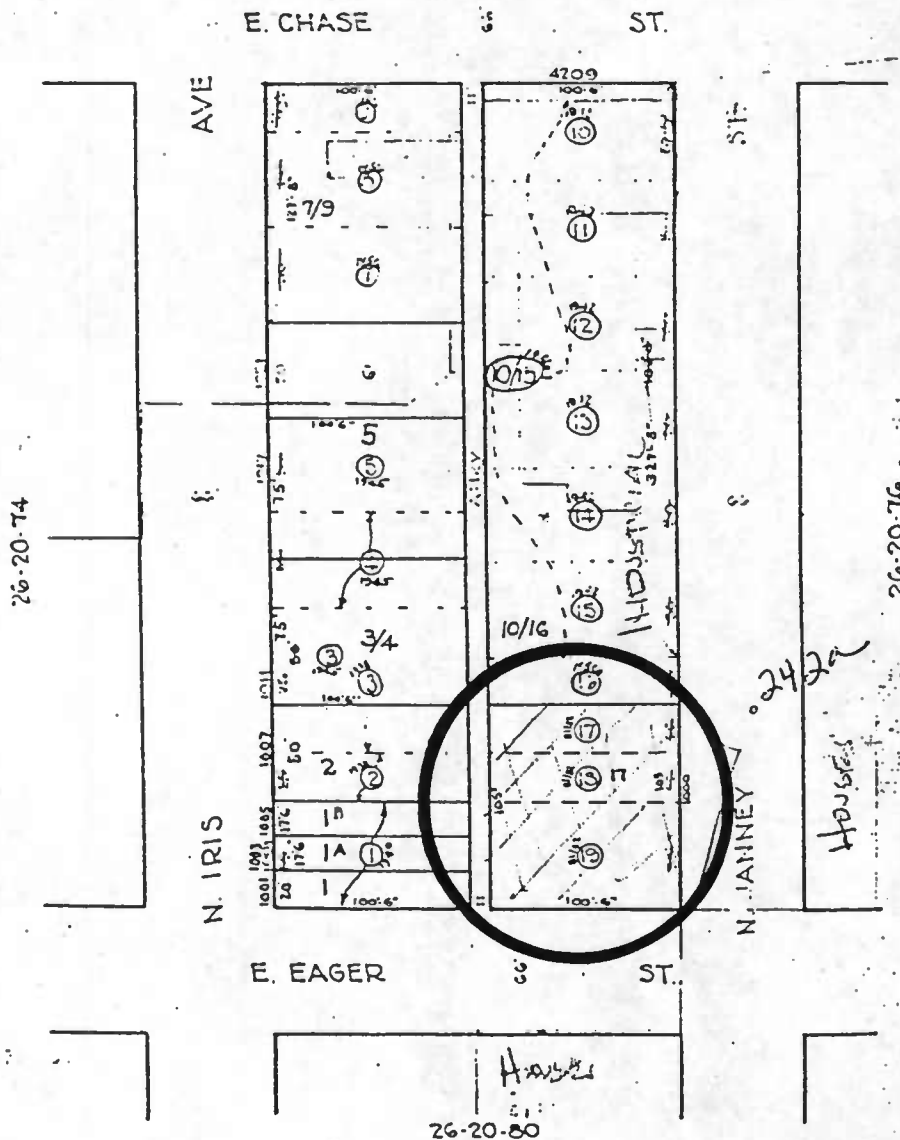
Lots 10-15 Cons'd per App 9678 C Sh 2814

Lot 4 Cons'd. into 3/4 & 5 Per Deeds. C. Sh. 3383.

Lots 10/16 7/9 Cons'd Per App 1281 C. Sh. 7193

Lots 17, 18 119 Cons'd Per App C Sh 82-272

26-20-43/57



POS 2001  
Baltimore City Consolidated Program  
VI. Baltimore Play Lot Program  
Orangeville Playground  
1000 Janney St

NOTE: BLOCK 26-20-75 FOR 1941

## NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED  
FOR UNDER ARTICLE 78, OF THE CITY CHARTER.  
IT IS COMPILED FROM TITLE AND OTHER  
SOURCES AND IS NOT AN AUTHENTIC SURVEY

DRAWN BY C. BARN

LETTERED BY W. M. L.

CHECKED BY

DEPARTMENT  
BUREAU OF

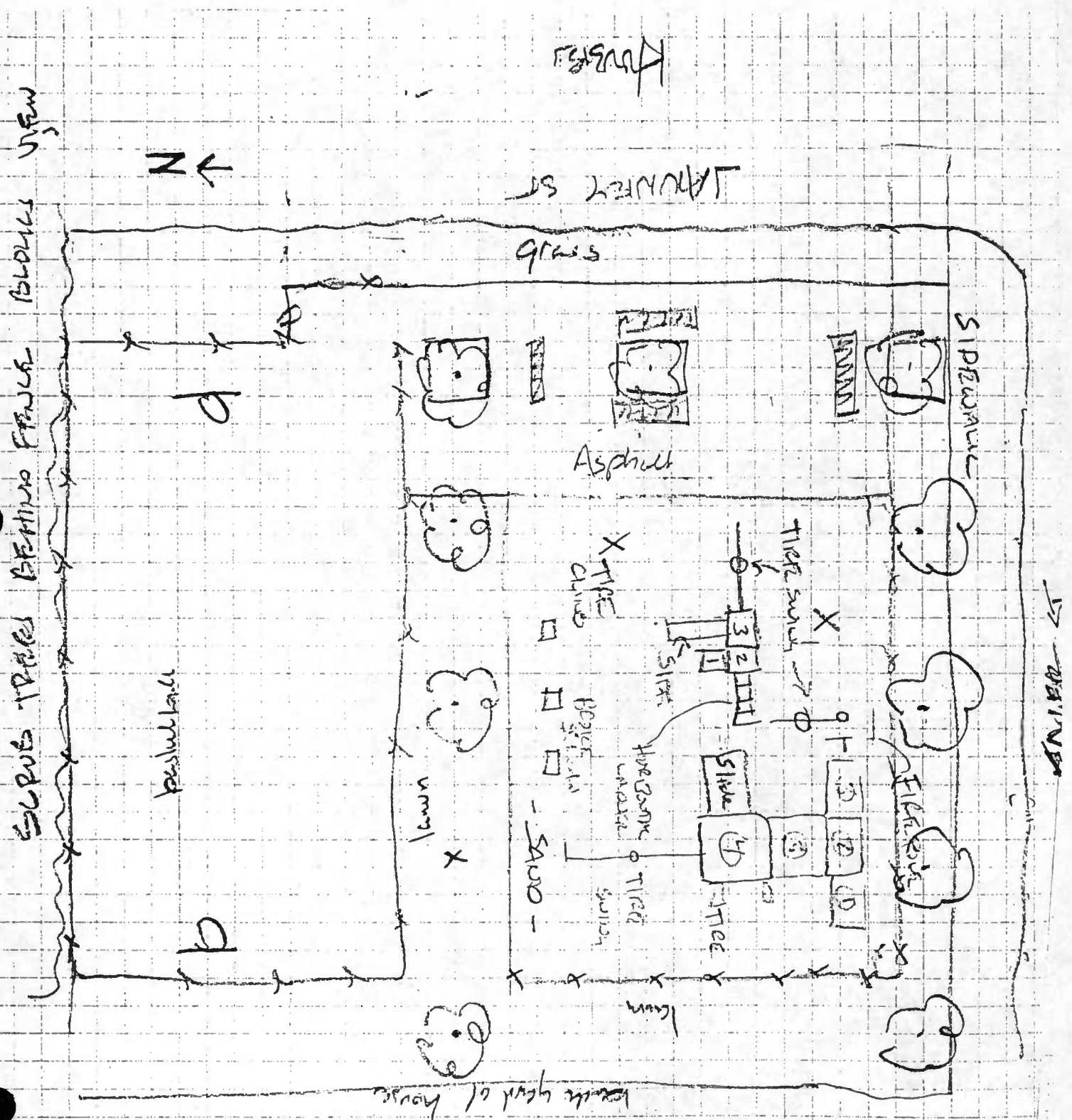
WARD 26

BLOCK

SCALE 1" = 100'



more City Consolidated Annual Program FY01:  
Baltimore Playlot Program  
Orangeville Playground: 1000 N. Janey St



Existing Conditions : 2000



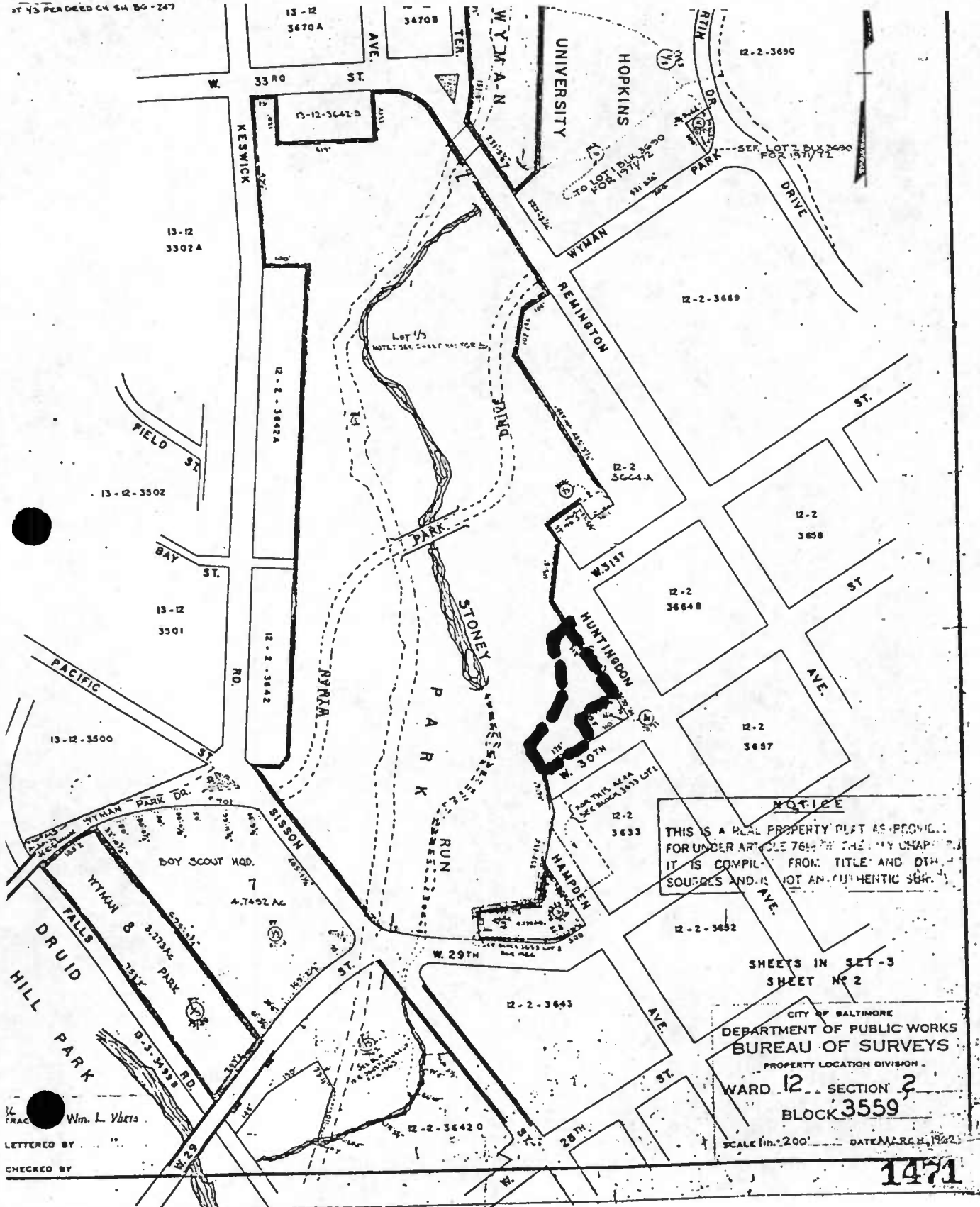


# Baltimore City Consolidated Annual Program FY01

## Baltimore Playlot Program

### Wyman Park Playground: 30th & Huntington

ST 43 PERCHED C4 54 80-247



**NOTICE**  
THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76B OF THE CITY CHARTER. IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

SHEETS IN SET-3  
SHEET No 2

CITY OF BALTIMORE  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF SURVEYS  
PROPERTY LOCATION DIVISION  
WARD 12 SECTION 2  
BLOCK 3559

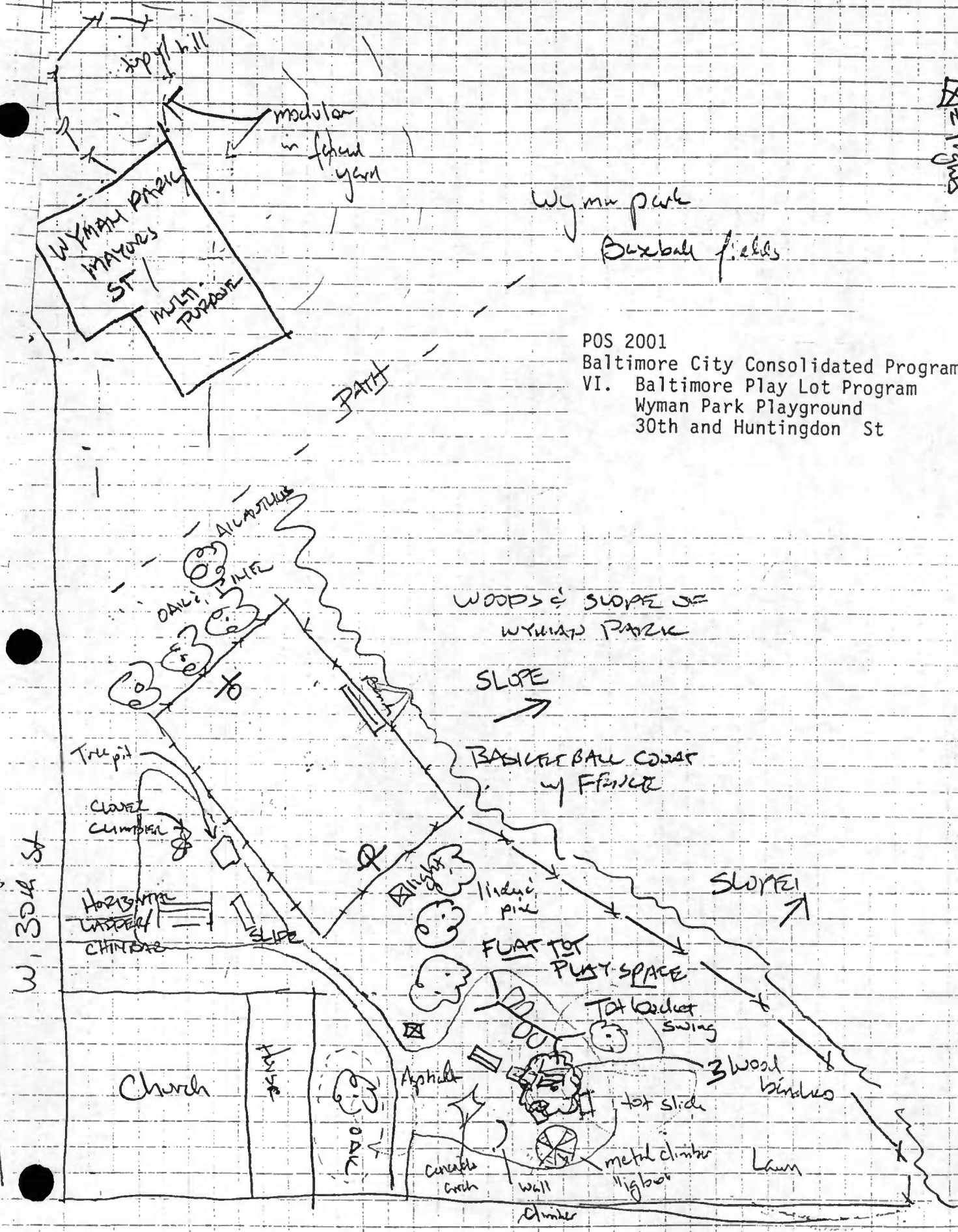
SCALE 1 in. = 200' DATE MARCH 1992

1471

LETTERED BY Wm. L. Vliets  
CHECKED BY

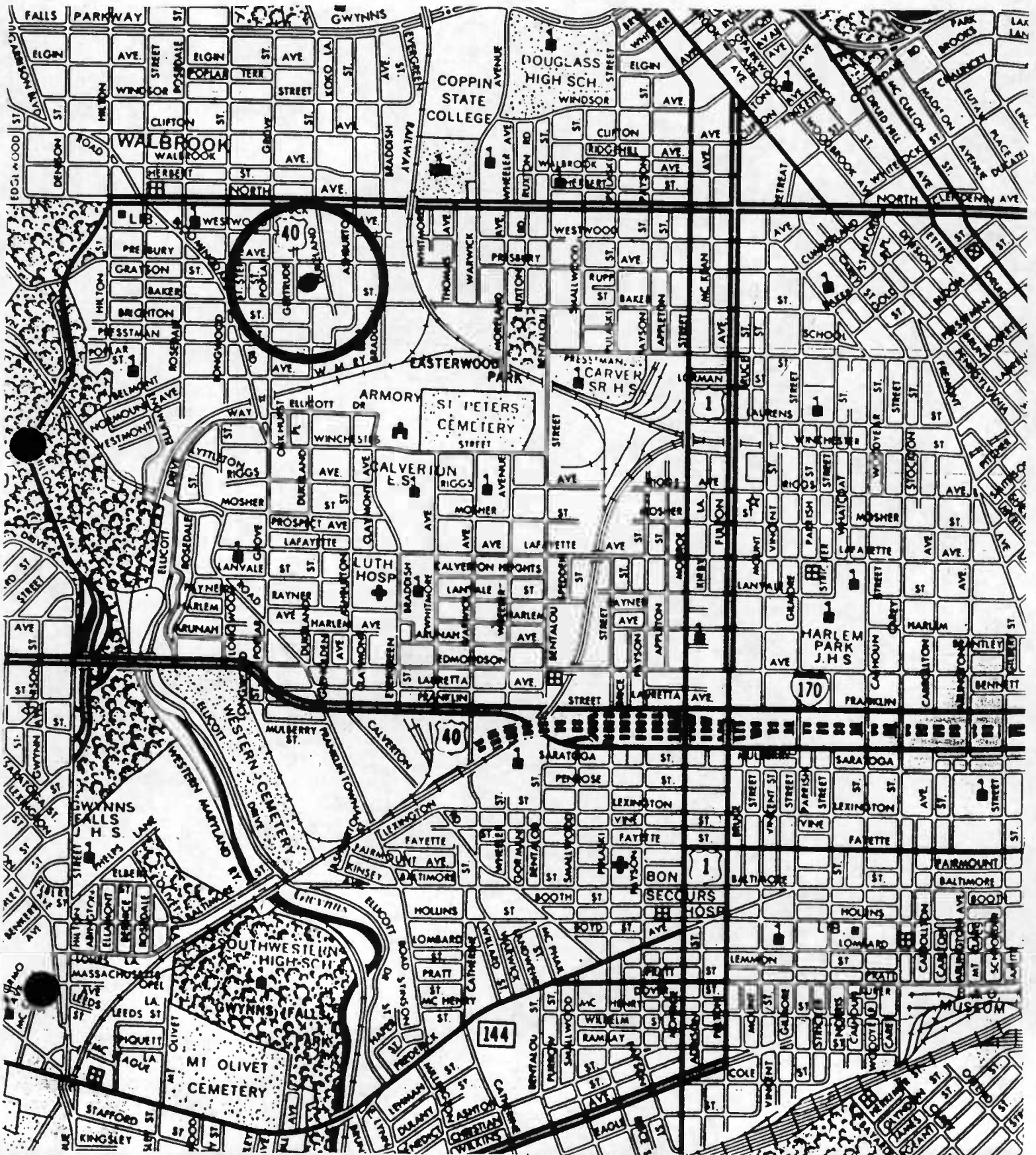
☒ = lights

POS 2001  
Baltimore City Consolidated Program  
VI. Baltimore Play Lot Program  
Wyman Park Playground  
30th and Huntingdon St



Existing Conditions  
2000

Baltimore City Consolidated Annual Program FY01 :  
Baltimore Playlot Program  
Wilbur Waters Playground, 1600 N. Dukeland St



REVISIONS  
LOT 53/50 DIV. DEED, C. 5M. 9376

2403

SLINGLUFF  
AVE.

554

2408

N. DUKELAND  
ST.

2409B

POS 2001  
Baltimore City Consolidated Program  
VI. Baltimore Play Lot Program  
Wilbur Waters Playground  
1600 N. Dukeland St

ST.

ST.

ST.

ST.

N. DUKELAND

18 1/4

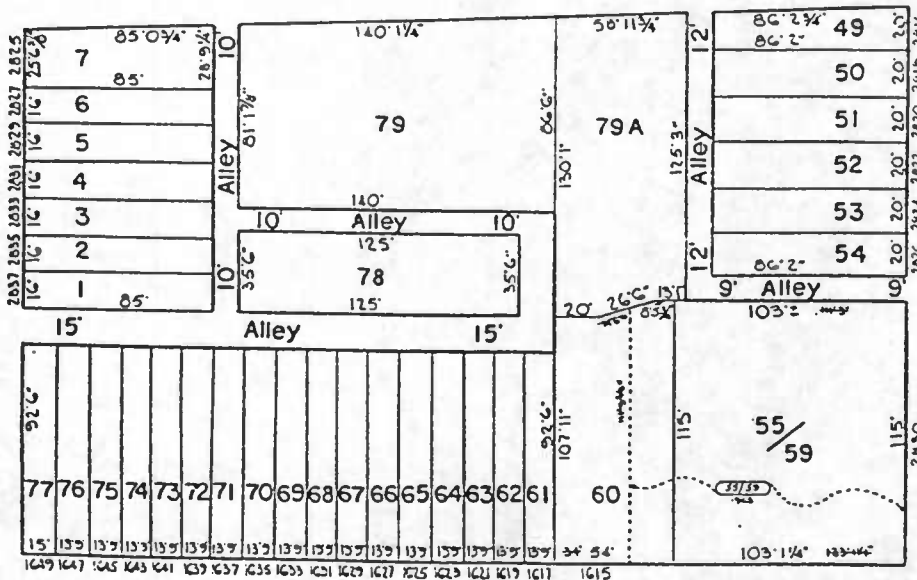
2406-10

2406-10

PRESBURY

BAKER

GERTRUDE



POPLAR GROVE

ST.

NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED  
FOR UNDER ARTICLE 76(4) OF THE CITY CHARTER  
IT IS COMPILED FROM TITLE AND OTHER  
SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE  
DEPARTMENT OF PUBLIC WORKS

PROPERTY LOCATION DIVISION

WARD 15 SECTION 6  
BLOCK 2418

SCALE 1" = 50'

DATE JUNE 1967

APPROVED BY R. KLAGES

FILED BY R. K.



2403

554

240B

N. DUKELAND  
ST.

5

ST. 2

22 N. DUKELAND

51

basketball

Baseball

 $\frac{18}{41}$ 

Play ground

FIELD  
HOUSE

ST. 35

GERTRUDE

POS 2001  
 Baltimore City Consolidated Program  
 VI. Baltimore Play Lot Program  
 Wilbur Waters Playground  
 1600 N. Dukeland St

POS 2001

Baltimore City Consolidated Program

## VI. Baltimore Play Lot Program

## Wilbur Waters Playground

1600 N. Duke Land St

BAKER

ST.

POPLAR GROVE

## NOTICE

THIS IS A REAL PROPERTY PLAT AS PROVIDED  
FOR UNDER ARTICLE 76(d) OF THE CITY CHARTER  
IT IS COMPILED FROM TITLE AND OTHER  
SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE  
DEPARTMENT OF PUBLIC WORKS

PROPERTY LOCATION DIVISION

WARD 15 SECTION 6  
BLOCK 2418

SCALE 1" = 50'

DATE: JUNE 1967

2406-10

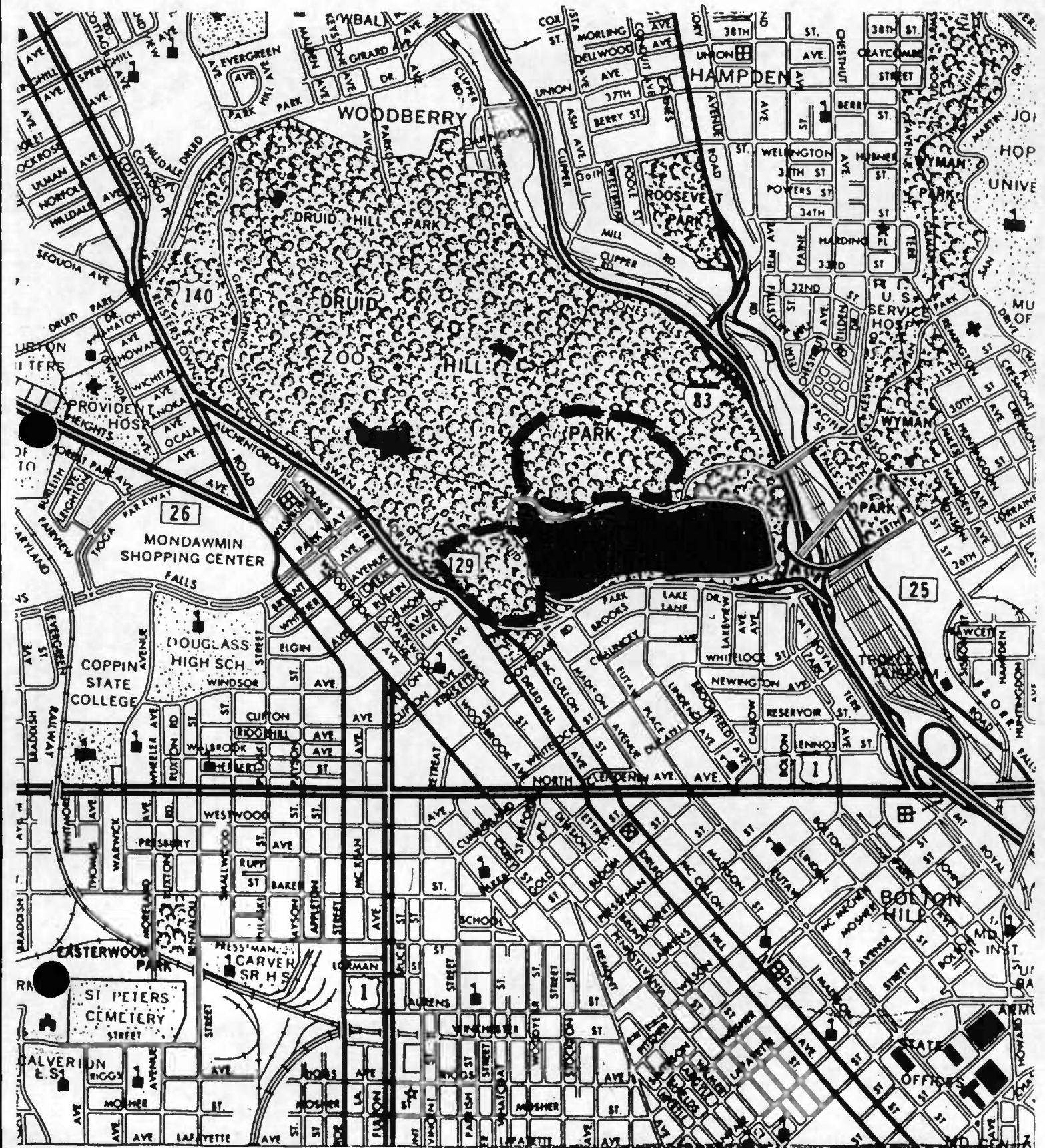
2406-10

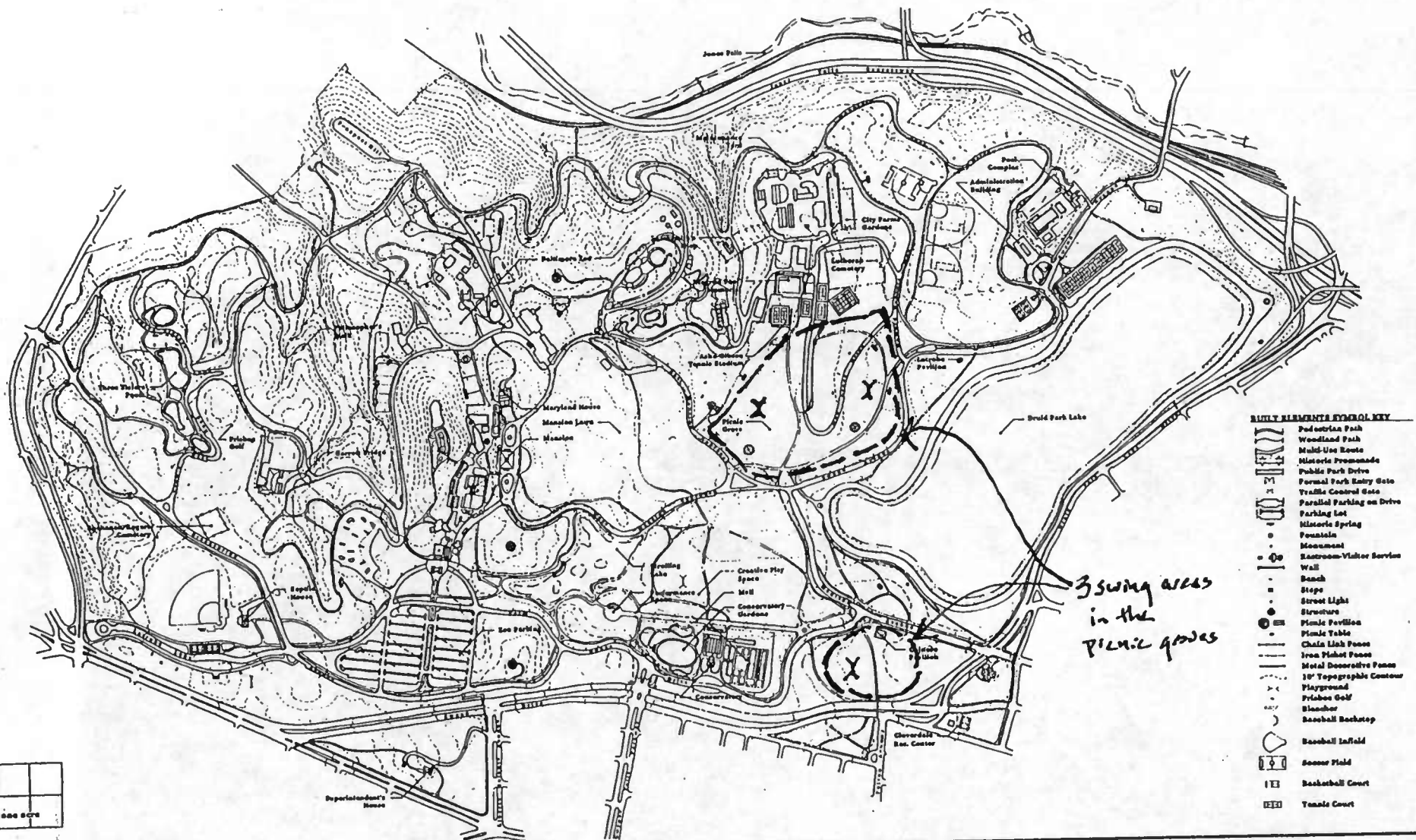
**PRESBURY**

KLAGES

10

Baltimore City Consolidated Annual Program FY01:  
Baltimore Playlot Program  
Druid Hill Park Picnic Groves: new swing sets





# RENEWING DRUID HILL PARK

## Baltimore, Maryland

Baltimore City Recreation & Parks  
Parks & People Foundation  
Druid Hill Park Advisory Committee

LANDSCAPES Landscape Architecture,  
Planning, Historic Preservation  
Westport, Connecticut

0 200 400 600 800  
August-December, 1994

RENEWING PLAN  
BUILT ELEMENTS





## CLEARINGHOUSE REVIEW

January 30, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honeczy, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3826-26-137  
Park Rehabilitation FY 01, Baltimore City

This project proposes to renovate two of the City's most important historic parks, Druid Hill Park (744 acres) and Patterson Park (133 acres). The storm water system that was installed in the 1890's will be improved at several problem areas in Druid Hill Park. Patterson Park's has 10 historic entrances. Two of the most important historic entrances have been identified for renovation. Improvements will include repair of the stone pediments and decorative ironwork; replacement of the historic light fixtures; installation of park signs and bollards compatible with the historic entrances and improvements to the pathways for ADA compliance.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

### CHECK ONE AND INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

### CHECK

✓

### INITIAL

2/8/01  
Dm

**RECEIVED**

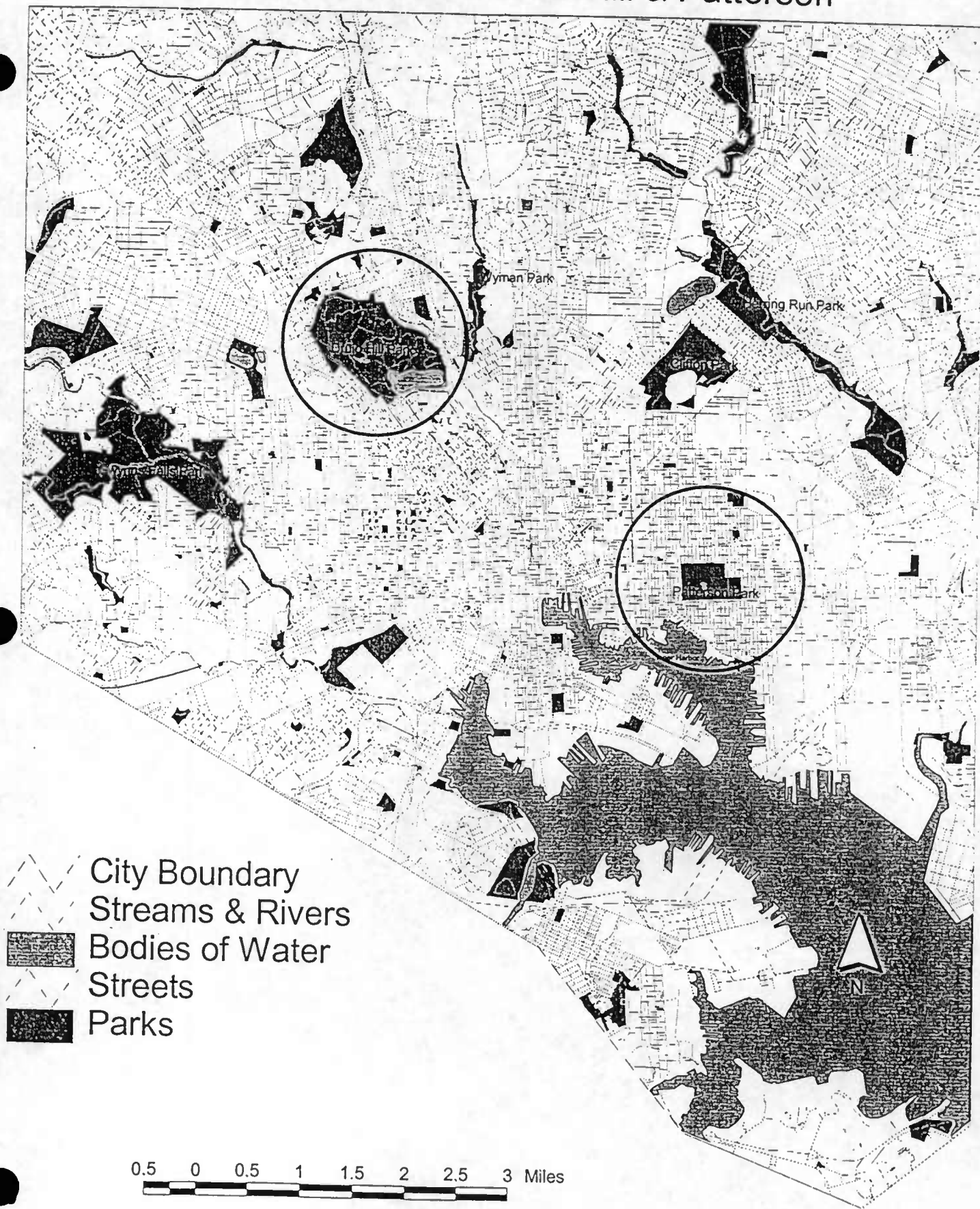
FEB 6 2001

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



# Baltimore City Consolidated Annual Program FY01: Park Rehabilitation: Druid Hill & Patterson



Baltimore City Department of Recreation and Parks

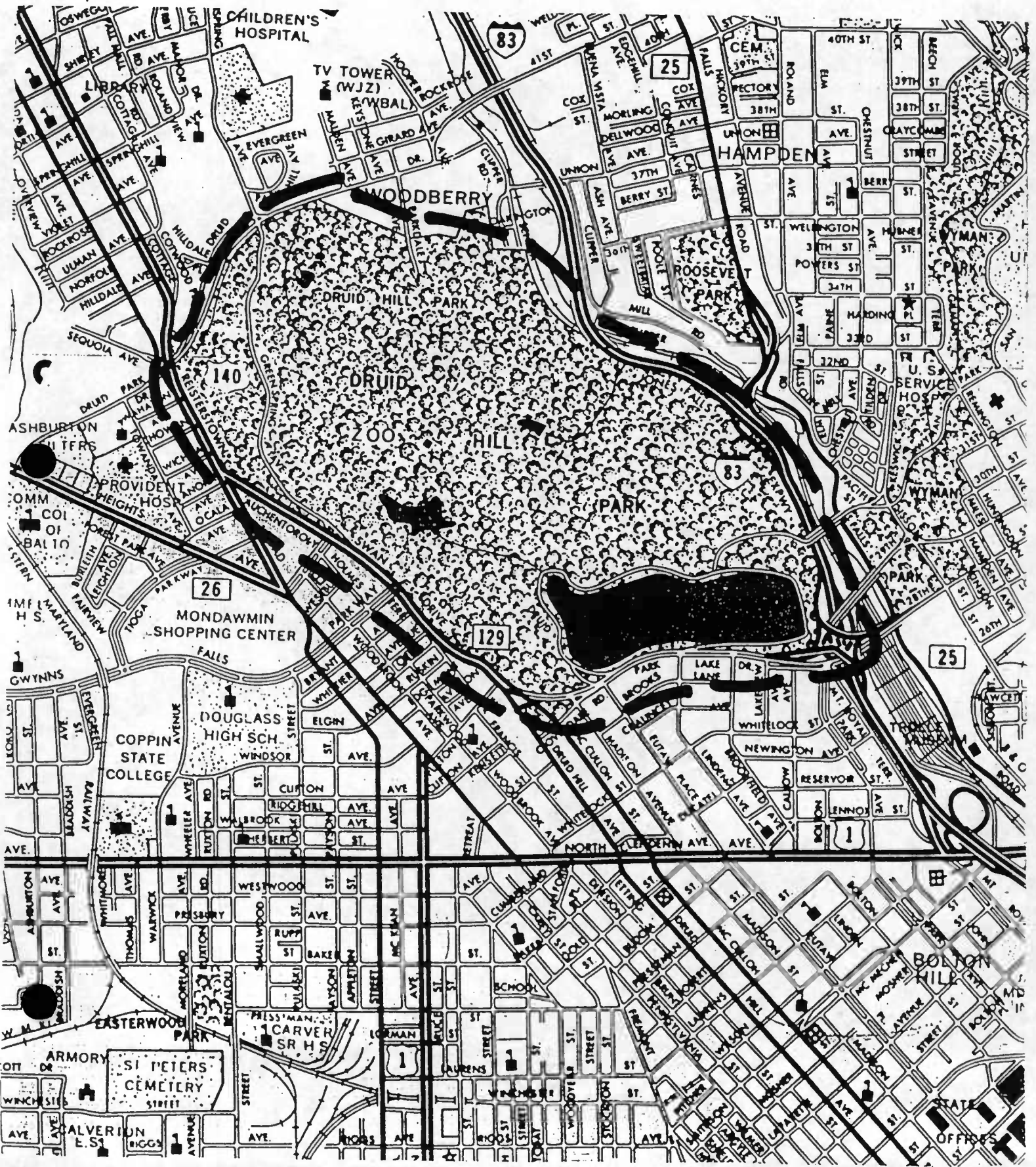
Mayor Martin O'Malley

DRAFT: September 2000

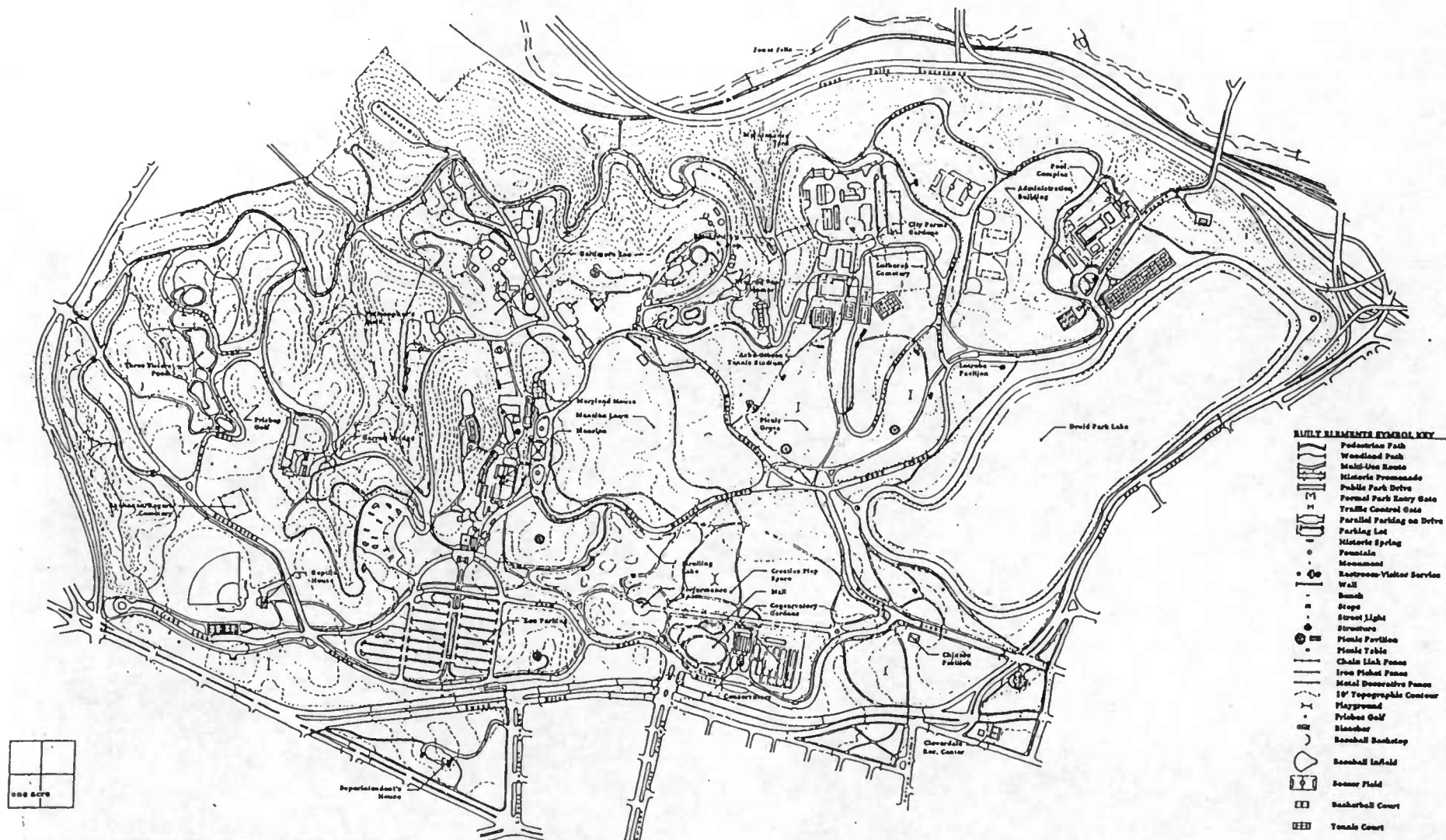
Thomas V Overton, Director

FOK201 Park rehab 8/1/00

# Baltimore City Consolidated Annual Program FY01: Park Rehabilitation: Druid Hill Park



VII. Park Rehabilitation Program  
Druid Hill Park  
2600 Madison Ave



**RENEWING DRUID HILL PARK**  
Baltimore, Maryland

Baltimore City Recreation & Parks  
Parks & People Foundation  
Druid Hill Park Advisory Committee

LANDSCAPES Landscape Architecture,  
Planning, Historic Preservation  
Westport, Connecticut

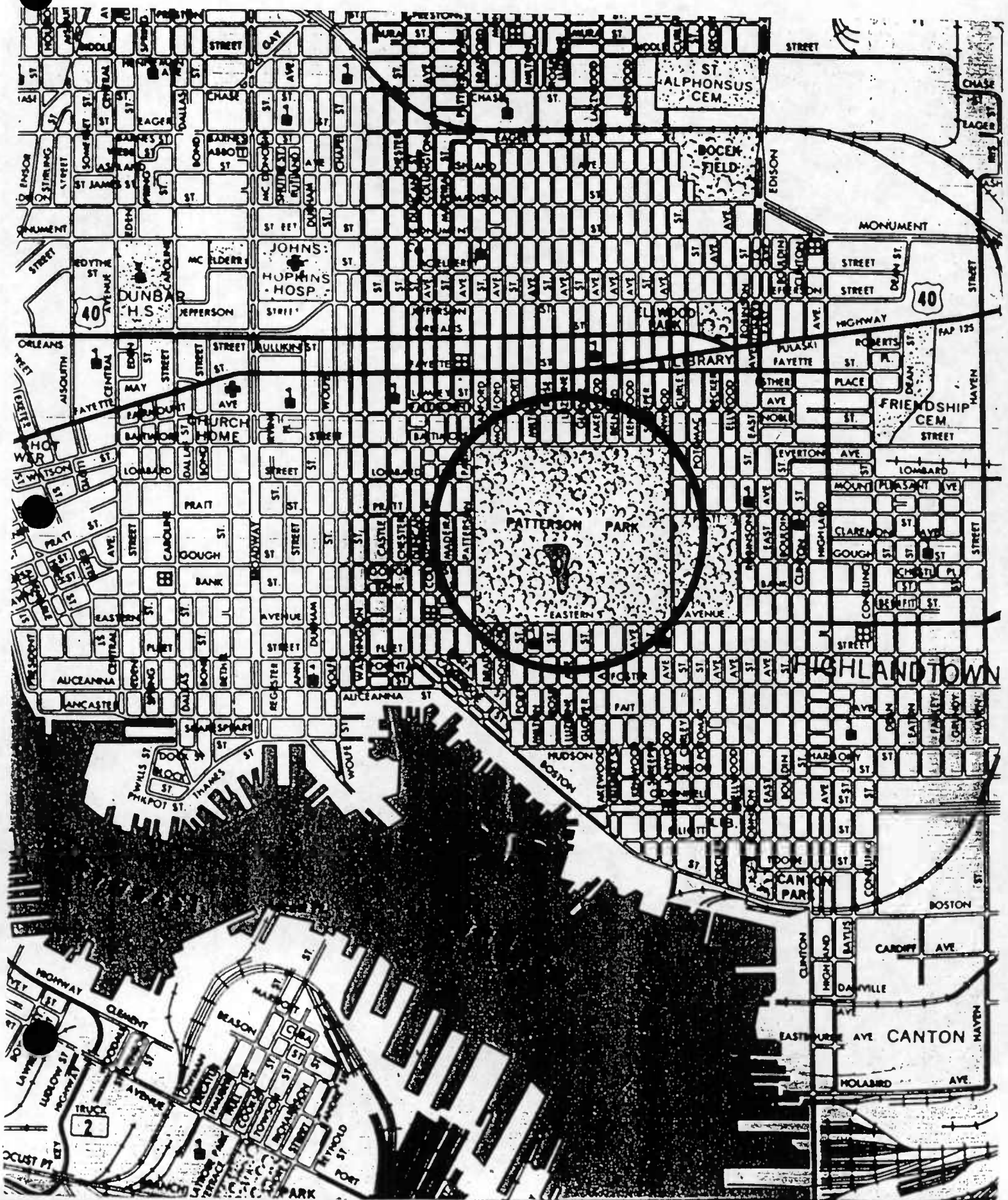
0 100 200 400 600 800  
August-December, 1994

**RENEWING PLAN**  
**BUILT ELEMENTS**





# Baltimore City Consolidated Annual Program FY01: Park Rehabilitation: Patterson Park



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VII. Park Rehabilitation Program  
Patterson Park Entrances  
300 S. Patterson Park Ave.

THE MASTER PLAN FOR PATTERSON PARK

## CLEARINGHOUSE REVIEW

January 30, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honecny, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3824-24-179  
Park Plazas, Fountains and Medians FY 01, Baltimore City

This project proposes to renovate fountains at two historic parks, Patterson Park consisting of 133 acres and Eutaw Place Medians consisting of 5.47 acres. Renovations to the marble fountain in Patterson Park will include replacing the fountain pump and pipe system, renovation of the marble basin and fountain wall and improvements to the passive seating area. Renovations in the Eutaw Place Medians include improvements to the small iron fountain (replacing the fountain pipe system to improve the water action of the fountain) and the Francis Scott Key fountain (adding mist jets to improve the water action of the fountain). Also included, is landscaping in the medians to support the gardening efforts of the neighborhood association volunteers.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

### CHECK ONE AND INITIAL

### CHECK

### INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.
2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

✓

Dm 2/9/2001

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\_\_\_\_\_

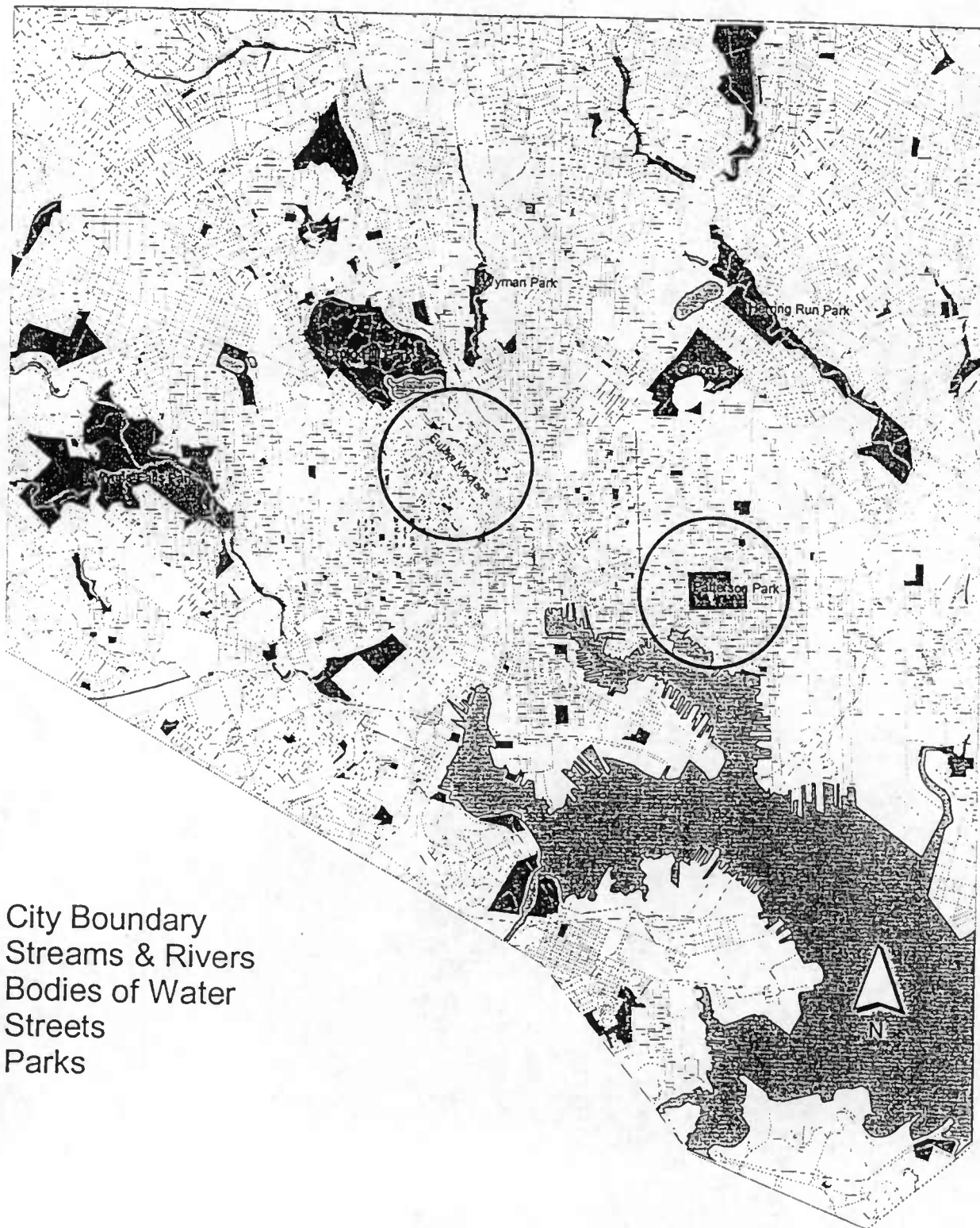
\_\_\_\_\_

\_\_\_\_\_

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



# Baltimore City Consolidated Annual Program FY01: Plazas, Fountains and Medians

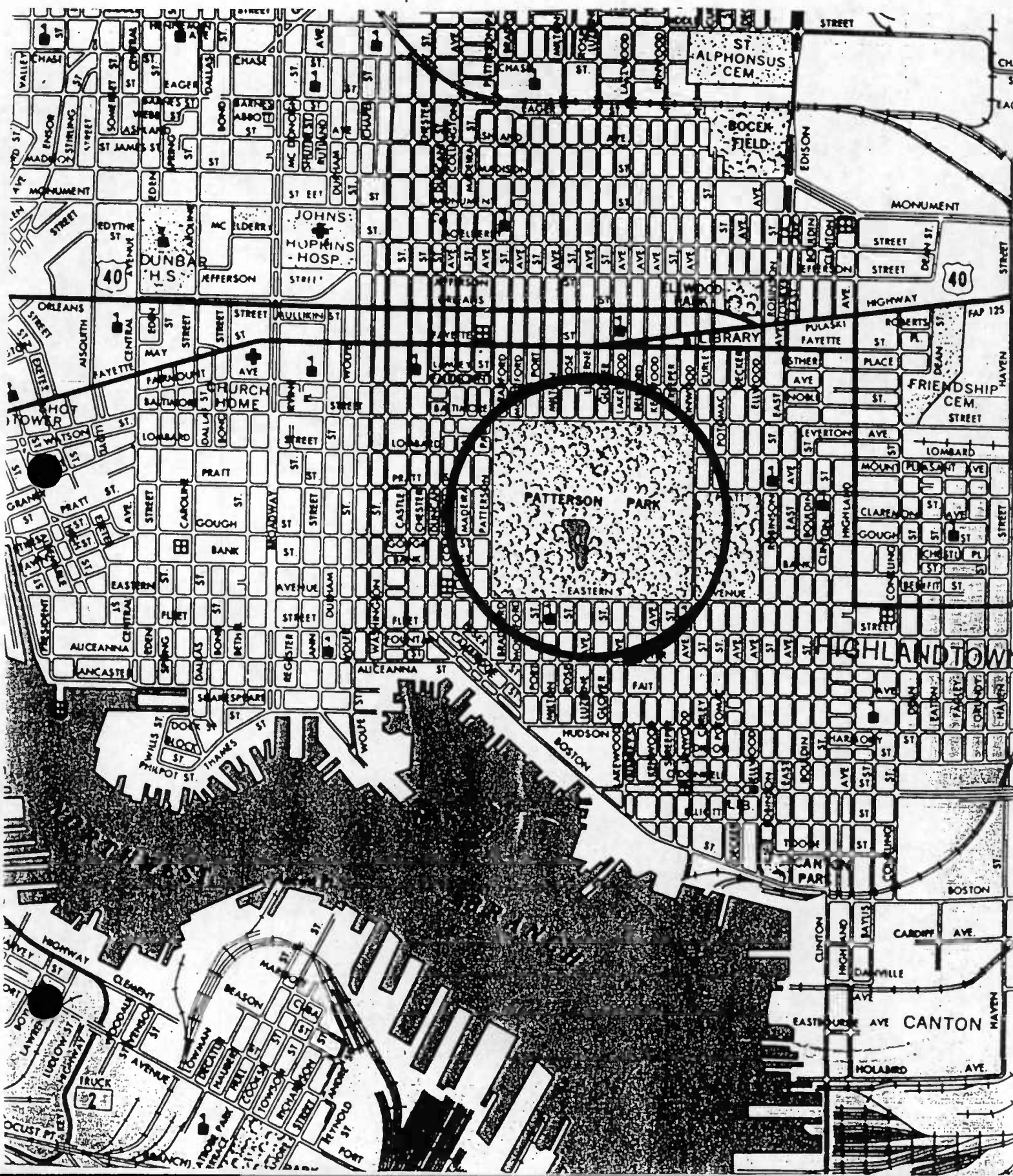


Baltimore City Department of Recreation and Parks

Mayor Martin O'Malley

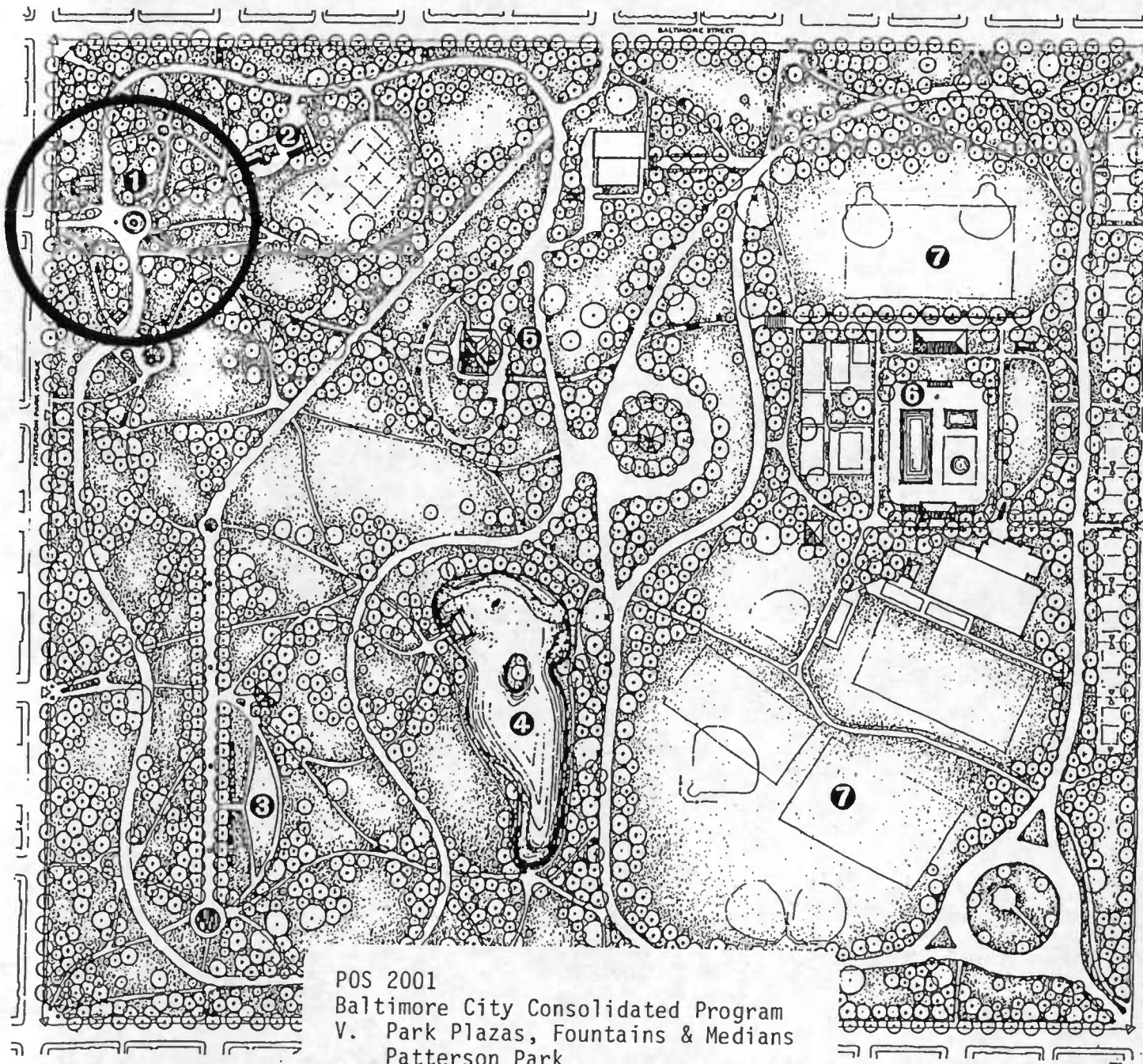
DRAFT: September 2000

Thomas V Overton, Director





# A MASTER PLAN FOR PATTERSON PARK IN BALTIMORE, MARYLAND



## A MASTER PLAN FOR PATTERSON PARK IN THE CITY OF BALTIMORE, MARYLAND

### MASTER PLAN

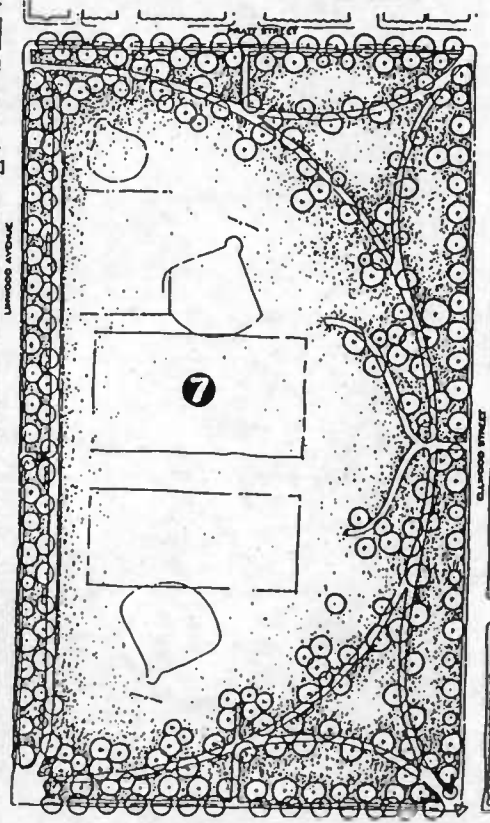
#### PRECINCTS

- 1 HEART OF THE PARK
- 2 THE MAINTENANCE COMPLEX & COMMUNITY GARDENS
- 3 THE MALL & CONSERVATORY SITE
- 4 THE BOAT LAKE
- 5 THE CASINO & VIRGINIA BAKER RECREATION CENTER
- 6 THE FIELD HOUSE & POOL COMPLEX
- 7 RECREATION AREA

#### KEY

- PEDESTRIAN LIGHTS
- TENNIS COURT LIGHTS
- ENTRY LIGHTS & PARK SIGNS
- BENCHES—NEW OR REPAIRED
- TRASH RECEPTACLE
- PICNIC TABLE
- FENCE (NEW)

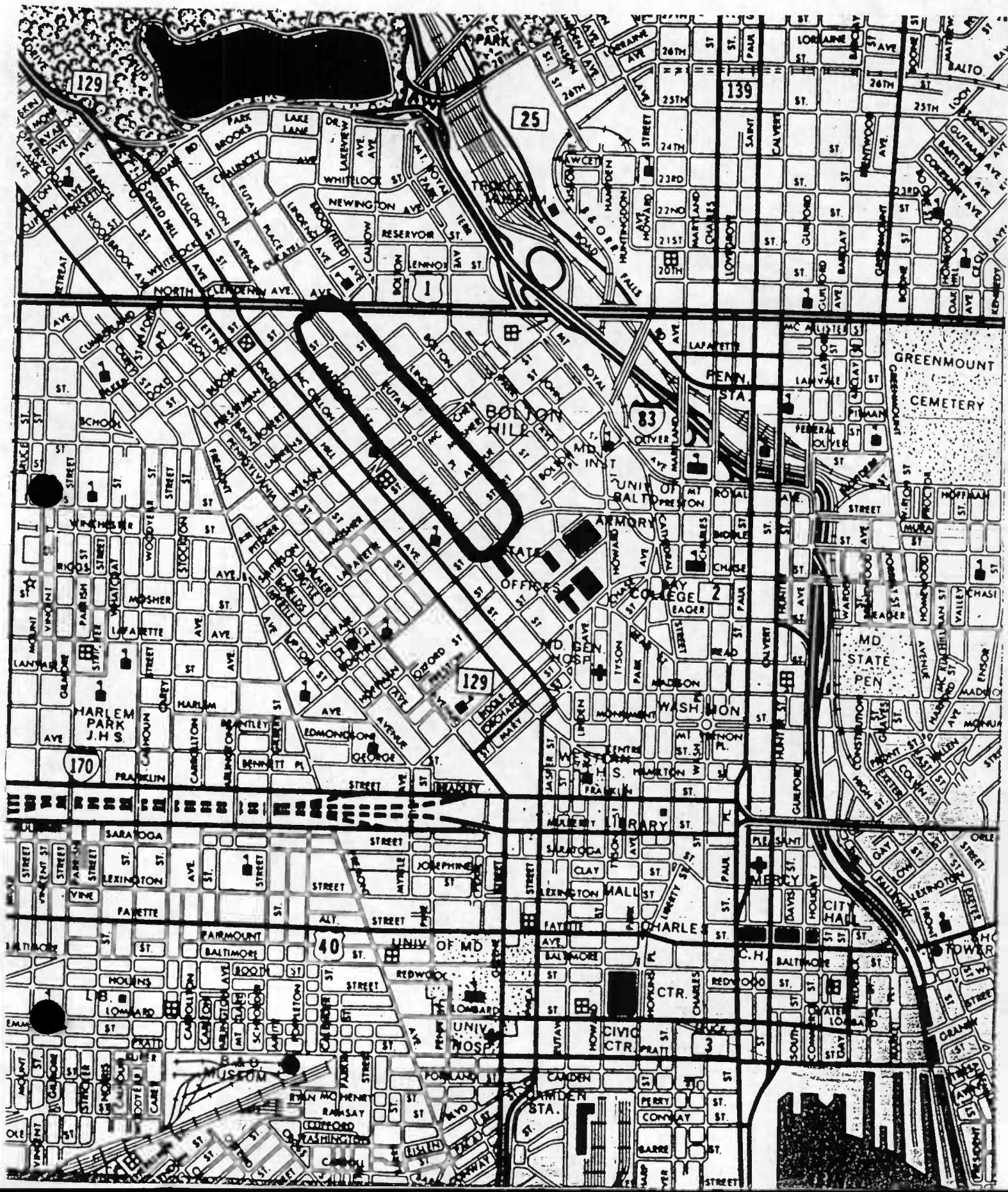
SCALE: 1" = 100' (1" = 30.48m)  
 BALTIMORE DEPARTMENT OF RECREATION & PARKS  
 PREPARED BY: [Name]  
 DATE: [Date]



### THE MASTER PLAN FOR PATTERSON PARK

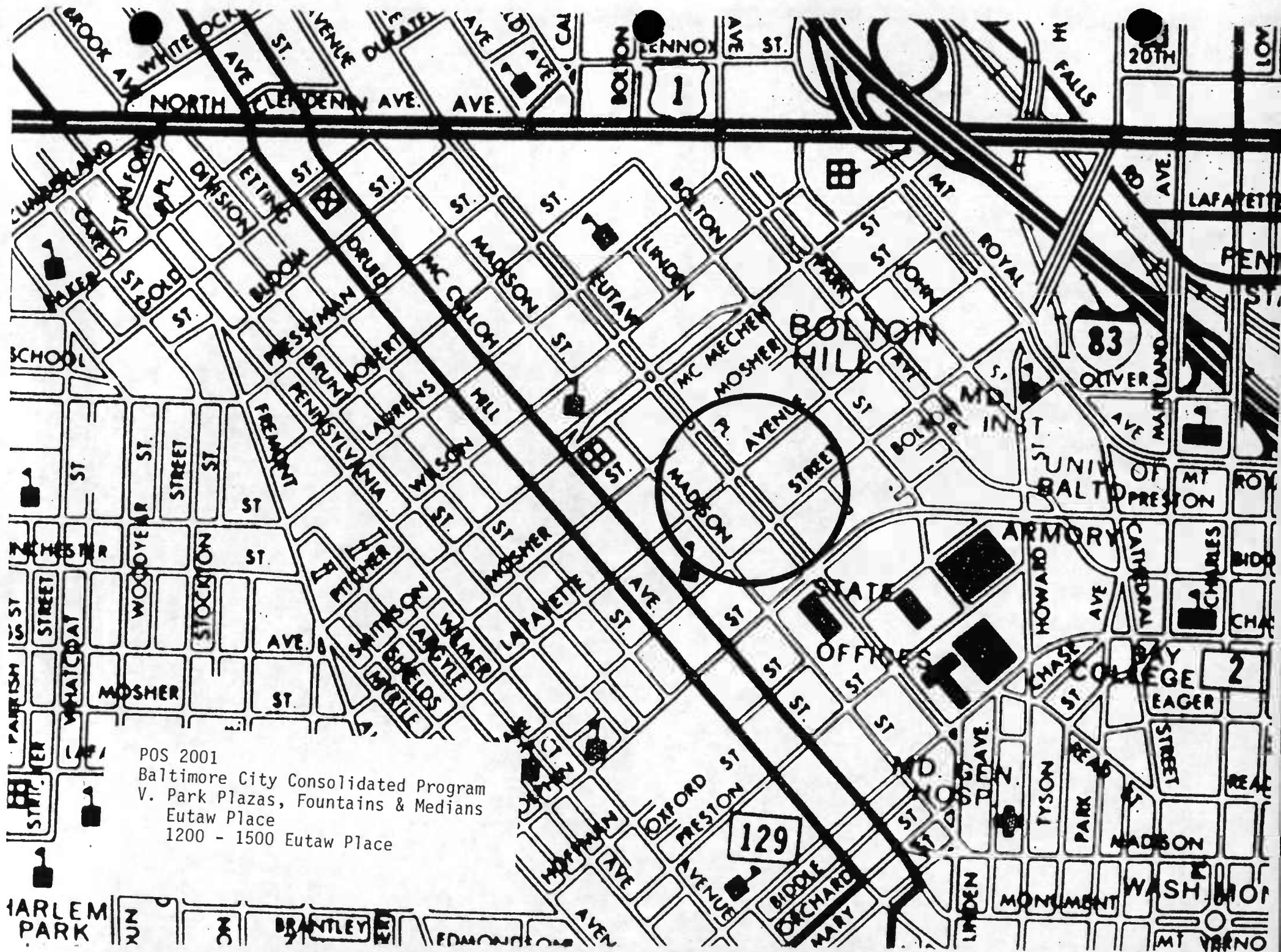
POS 2001  
 Baltimore City Consolidated Program  
 V. Park Plazas, Fountains & Medians  
 Patterson Park  
 300 S. Patterson Park Ave.  
 Linwood and Baltimore St

# Baltimore City Consolidated Annual Program FY01: Eutaw Medians and Fountain





POS 2001  
Baltimore City Consolidated Program  
V. Park Plazas, Fountains & Medians  
Eutaw Place  
1200 - 1500 Eutaw Place



## CLEARINGHOUSE REVIEW

January 30, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honecny, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: *JWP* James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3827-24-181  
Court Resurfacing & Ballfields FY 01, Baltimore City

This project proposes to renovate and resurface Carroll Park's tennis and basket courts. The basketball court will be relocated from its present location in the playground area to the tennis area in order to reduce the conflicts with the users of the basketball court and playground. The tennis area will be converted from 6 tennis courts to 2 basketball courts and 3 tennis courts. In addition, the park entrance road will be realigned and improved near the court area.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

### CHECK ONE AND INITIAL

### CHECK

### INITIAL

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✓

DM

2/4/2001

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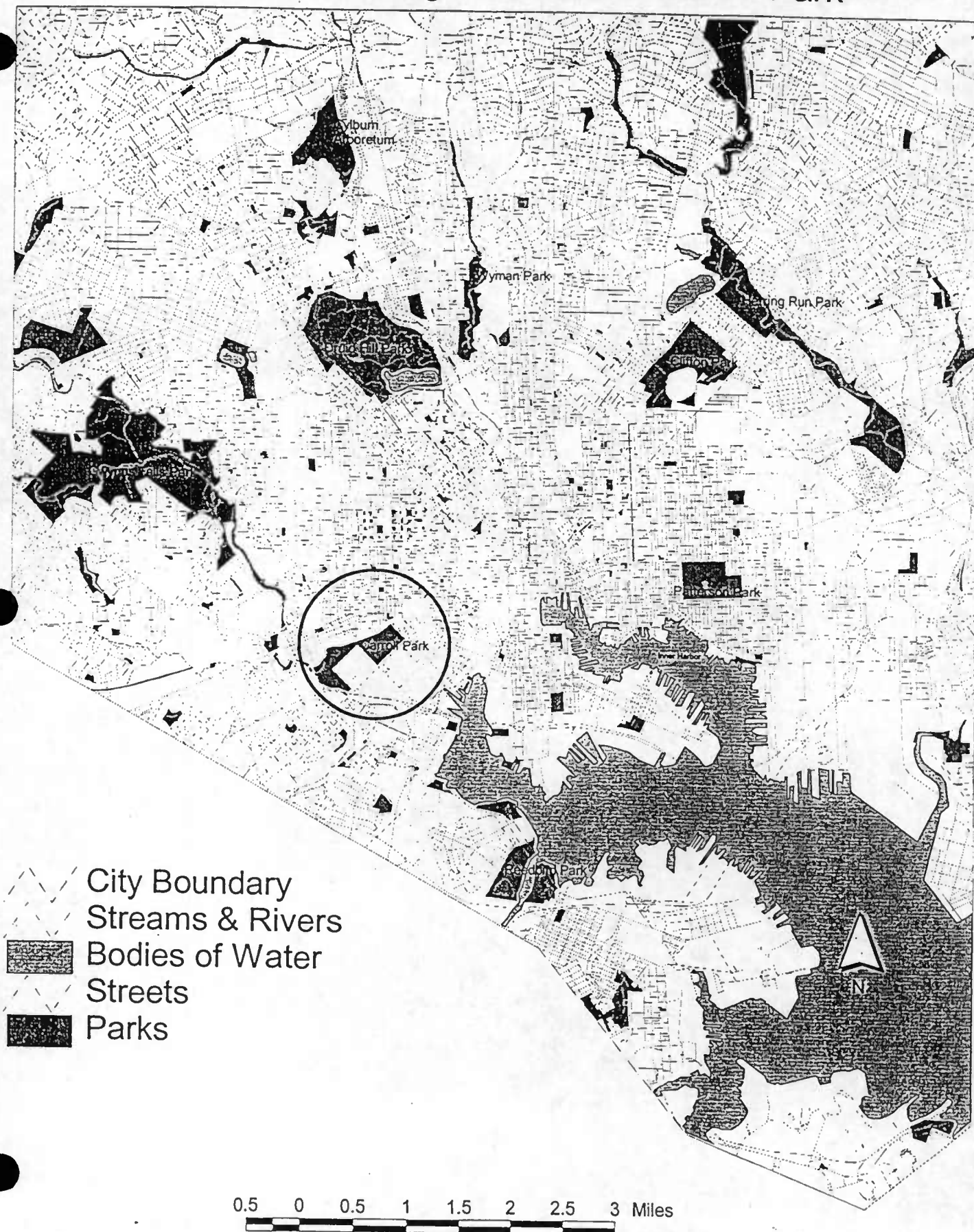
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*[Handwritten signature]*  
FEB 6 2001  
CRITICAL AREA COMMUNITY

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4)  
Annapolis, upon completion of review.

# Baltimore City Consolidated Annual Program FY01: Court Resurfacing & Ballfields: Carroll Park



Baltimore City Department of Recreation and Parks

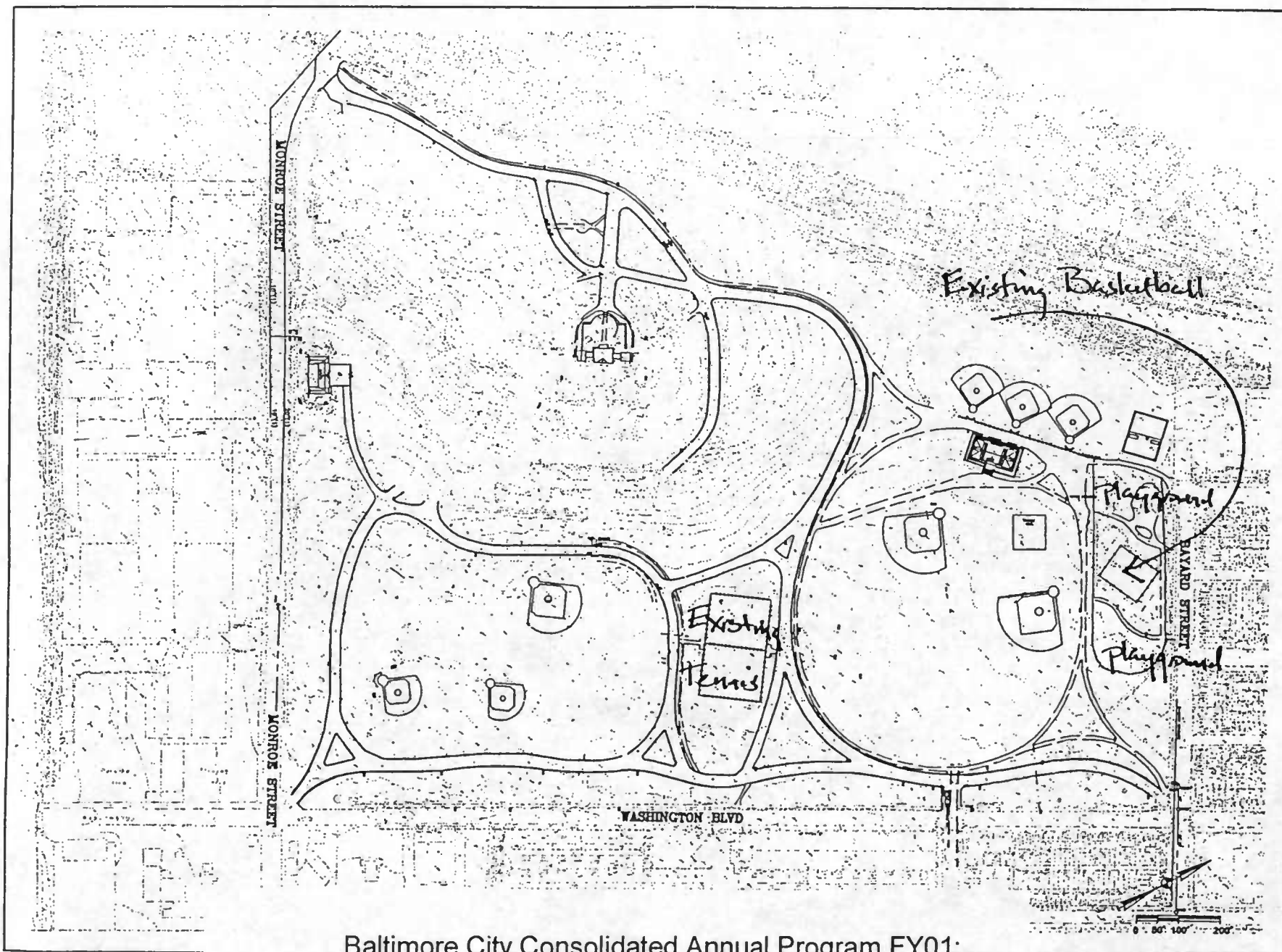
Mayor Martin O'Malley

DRAFT: September 2000

Thomas V Overton, Director







Baltimore City Consolidated Annual Program FY01:  
Court Resurfacing & Ballfields: Carroll Park Existing

# **CARROLL PARK MASTER PLAN** Departments of Recreation & Parks, and Planning City of Baltimore, Maryland

Client:  
City of Baltimore  
Department of Parks  
2000 E. Pratt St.  
Baltimore, Maryland 21202  
Planning Dept.  
217 East Fayette Street  
Baltimore, Maryland 21202

Landscape Architect:  
LANDSCAPES  
LA+Planning+HP  
141 Paul Road West  
Baltimore, Maryland 21202  
Phone 366-0714  
Fax 366-0714

Engineers:  
EBA Engineering  
1011 Allen Avenue  
Baltimore, Maryland 21202-0000  
Phone 366-7171

Architects:  
Lamp Associates  
1011 Allen Avenue  
Baltimore, Maryland 21202-0000  
Phone 366-0714

Architects:  
Kann & Associates  
1011 Allen Avenue  
Baltimore, Maryland 21202  
Phone 366-0714

Drawing No.  
S-101

COMMUNITY  
GARDENS

PLAY FIELD

±40 CARS  
TRAIN PLATFORM

PROMENADE  
OVERLOOK

±150 CARS

B&O RAILROAD

LITTLE LEAGUE  
±16 CARS  
PAL CENTER

EDUCATION / EVENT BUILDING

±60 CARS

MOUNT CLARE  
MANSION

FIELD HOUSE  
LITTLE LEAGUE

SCHOOL

MONROE STREET

PROMENADE + GARDENS

SOCCER / FOOTBALL

TENNIS  
BASKETBALL

SOCCER / FOOTBALL

CLUB  
TRANSITION  
YOUNG  
TRANSITION  
WATER  
PLAY

DAYVARD STREET

PLAY AREA

MONTGOMERY WARD SITE

GWYNNS FALLS TRAIL

WASHINGTON BOULEVARD

# CARROLL PARK MASTER PLAN Departments of Recreation & Parks, and Planning City of Baltimore, Maryland

Client:  
City of Baltimore  
2000 Washington Blvd.  
Baltimore, Maryland 21207  
Planning Dept.  
417 East Fayette Street  
Baltimore, Maryland 21202  
Landscape Architect:  
LANDSCAPES  
LA, Planning, HP  
181 East Bond, East  
Westport, Connecticut 06880  
(203) 227-2516  
281 East Bond  
Charlottesville, Virginia 22902  
(404) 425-4334  
Engineers:  
EBA Engineering  
4015 South St.  
Baltimore, Maryland 21216-2200  
(410) 350-7171  
Historic:  
Lamp Associates  
8111 Johns Road  
Baltimore, Maryland 20916-1011  
(301) 320-0077  
Architects:  
Kann & Associates  
207 East Baltimore St.  
Baltimore, Maryland 21202  
(301) 320-0077

Design Title:  
Date:  
October 12, 1999  
Drawing No:

Baltimore City Consolidated Annual Program FY01:  
Court Resurfacing & Ballfields: Carroll Park Proposed



## CLEARINGHOUSE REVIEW

January 30, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honecny, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3823-26-136  
Druid Hill Park Conservatory-Exhibit Space FY 01, Baltimore City

This project proposes the development of new exhibit space within the three display greenhouses at the Baltimore Conservatory after the improvements are made to the climate control system, lighting and interior paths and planting spaces.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

### CHECK ONE AND INITIAL

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2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.
3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

### CHECK

✓

### INITIAL

DM 2/6/01

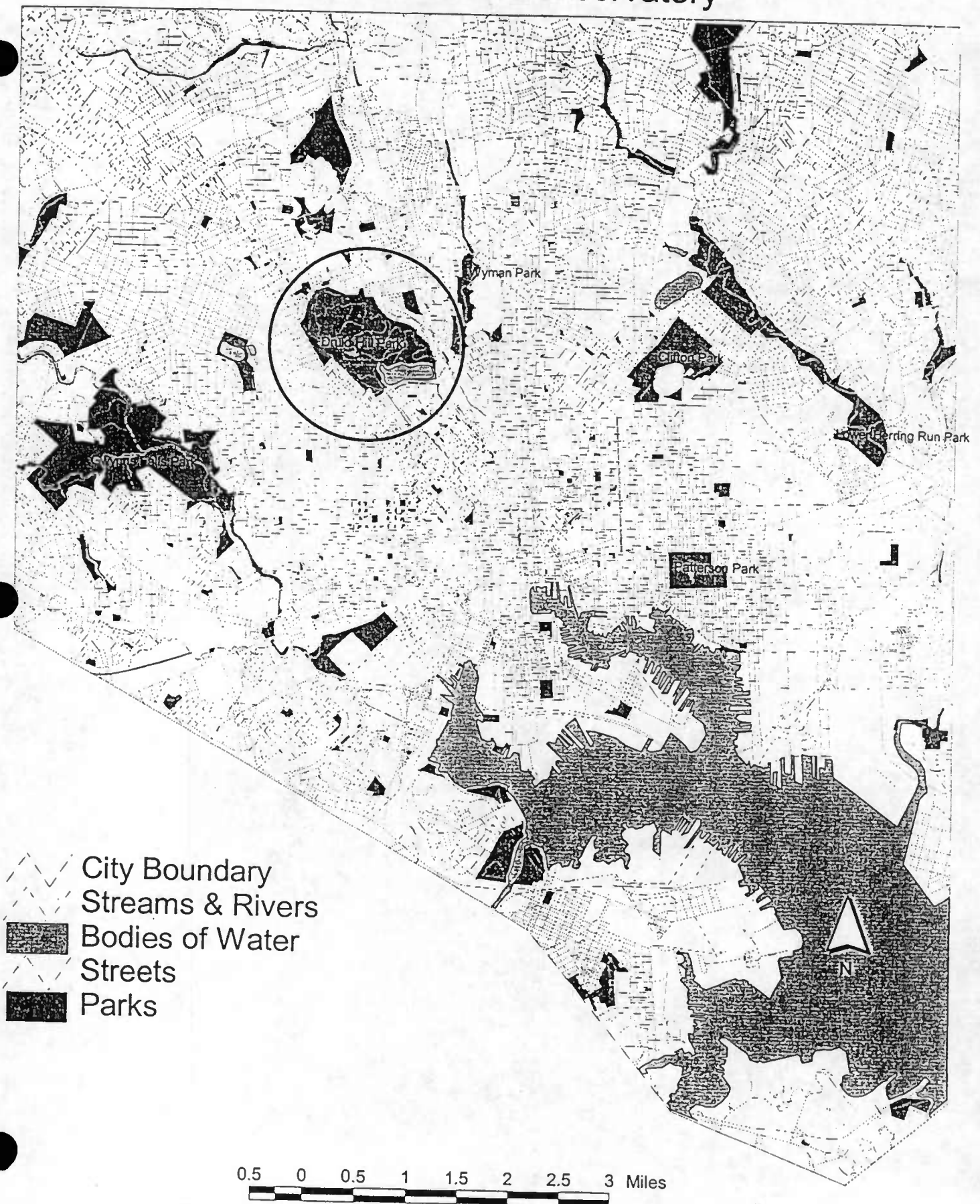
RECEIVED

FEB 6 2001

CHESAPEAKE  
STATE

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.

# Baltimore City Consolidated Annual Program FY01: Druid Hill Park Conservatory



Baltimore City Department of Recreation and Parks

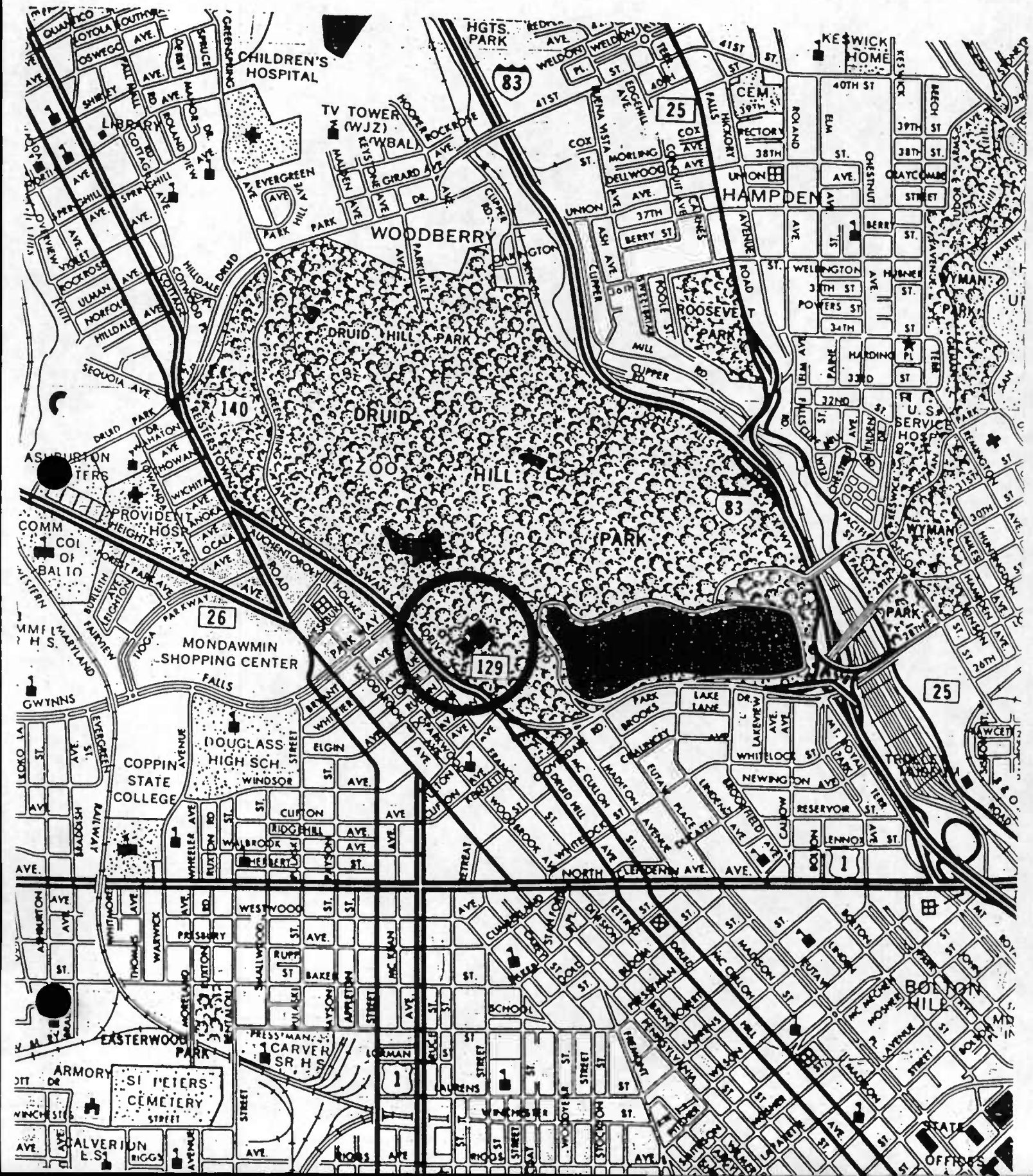
Mayor Martin O'Malley

DRAFT: September 2000

Thomas V Overton, Director

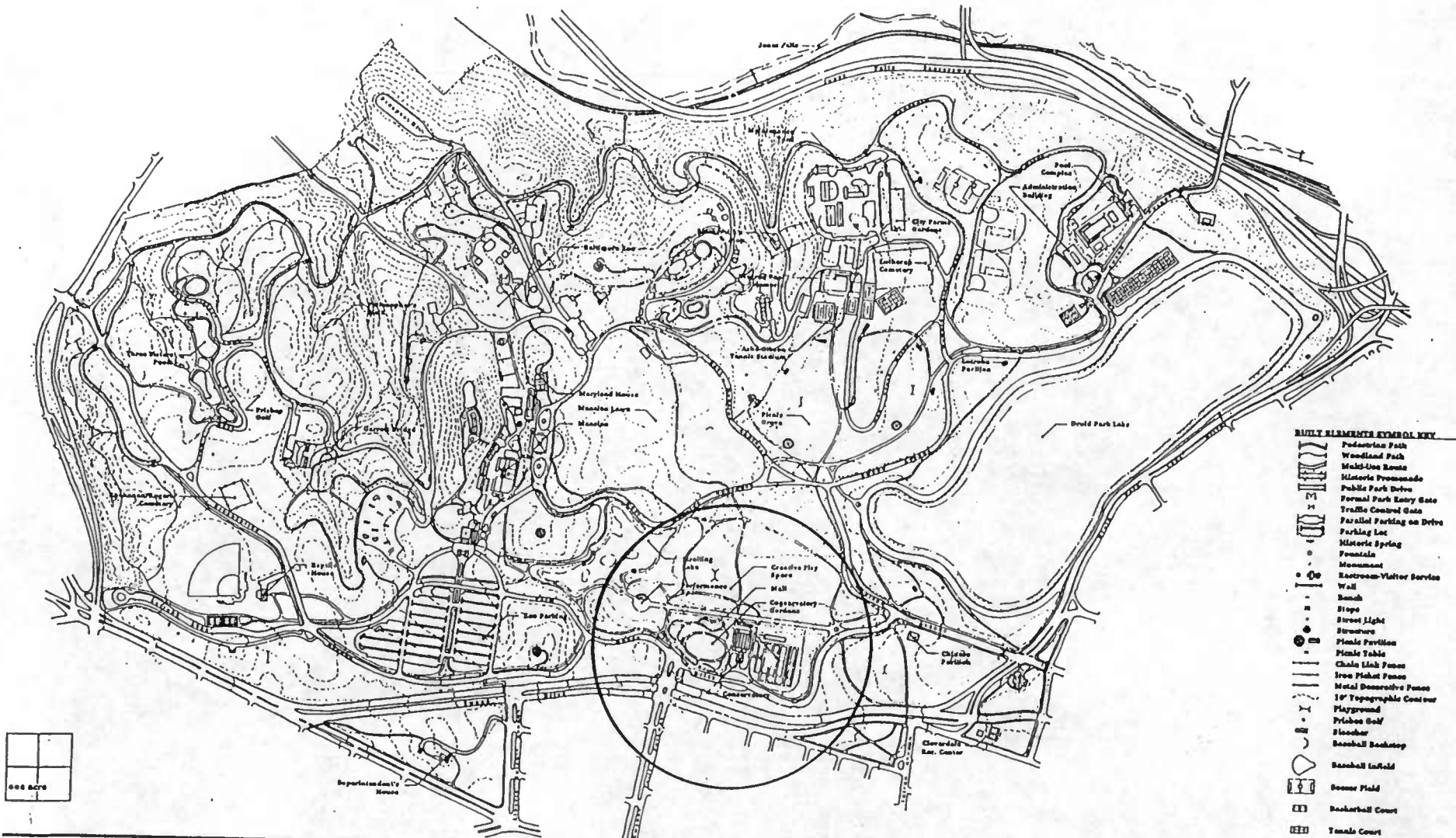
POB2001 City Conservatory, Inc.

# Baltimore City Consolidated Annual Program FY01: Druid Hill Park Conservatory





POS 2001  
 Baltimore City Consolidated Program  
 IV. Druid Hill Park Conservatory FY01  
 Druid Hill Park  
 2600 Madison Ave



**BUILT ELEMENTS SYMBOL KEY**

[Symbol]	Pedestrian Path
[Symbol]	Woodland Path
[Symbol]	Multi-Use Route
[Symbol]	Historic Promenade
[Symbol]	Public Park Drive
[Symbol]	Formal Park Entry Gate
[Symbol]	Traffic Control Gate
[Symbol]	Parallel Parking on Drive
[Symbol]	Parking Lot
[Symbol]	Historic Spring
[Symbol]	Fountain
[Symbol]	Monument
[Symbol]	Restroom-Visitor Service
[Symbol]	Wall
[Symbol]	Bench
[Symbol]	Slope
[Symbol]	Street Light
[Symbol]	Structure
[Symbol]	Picnic Pavilion
[Symbol]	Picnic Table
[Symbol]	Chain Link Fence
[Symbol]	Iron Picket Fence
[Symbol]	Metal Decorative Fence
[Symbol]	10' Topographic Contour
[Symbol]	Playground
[Symbol]	Pickleball
[Symbol]	Soccer
[Symbol]	Baseball Softball
[Symbol]	Baseball Infield
[Symbol]	Pooms Field
[Symbol]	Basketball Court
[Symbol]	Tennis Court

# **RENEWING DRUID HILL PARK** Baltimore, Maryland

Baltimore City Recreation & Parks  
 Parks & People Foundation  
 Druid Hill Park Advisory Committee

LANDSCAPES Landscape Architecture,  
 Planning, Historic Preservation  
 Westport, Connecticut

0 200 400 600 800  
 August-December, 1994

**RENEWING PLAN**  
**BUILT ELEMENTS**



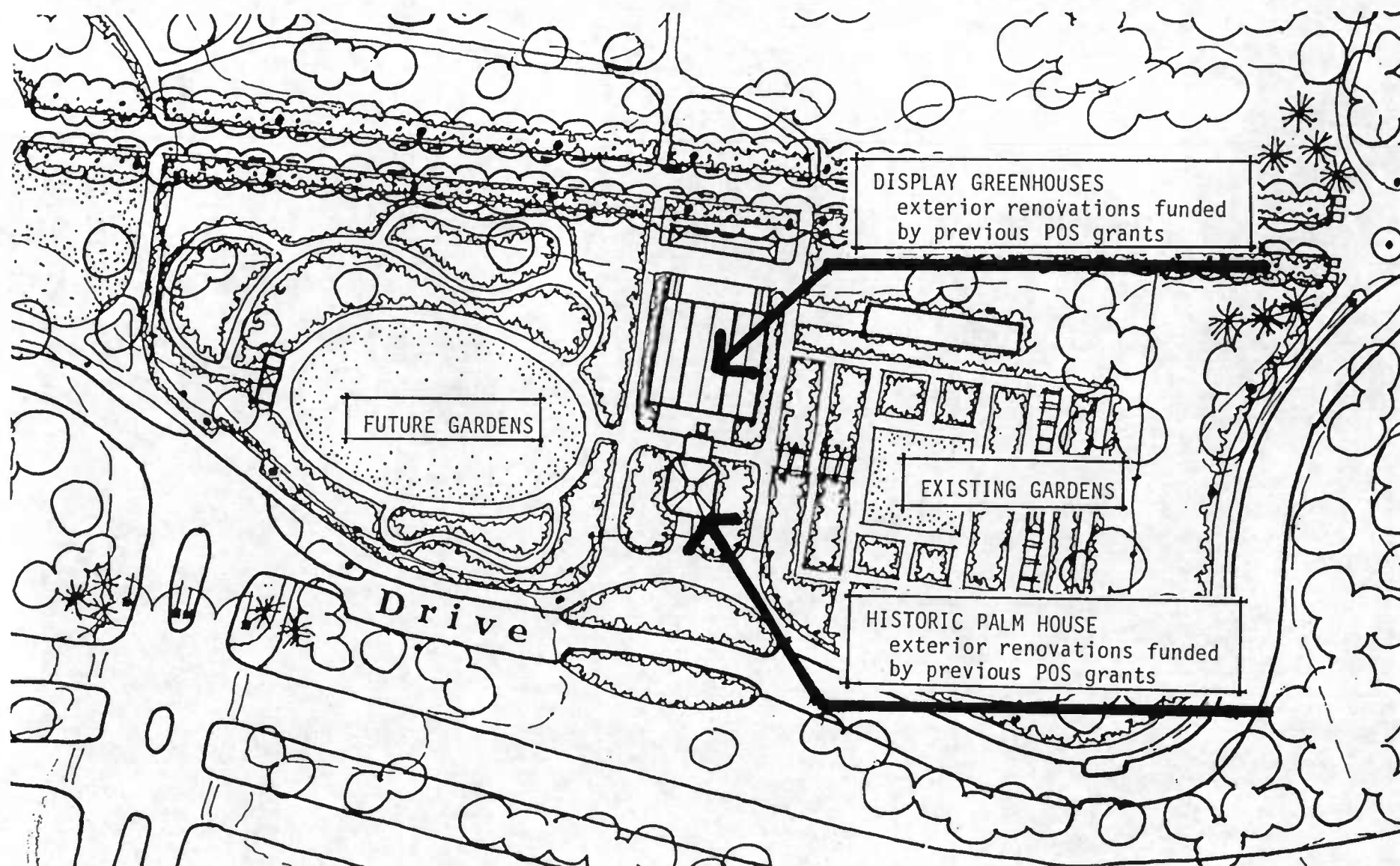


Figure 10.13. Area plan of Conservatory Palm House, center, and Gardens flanking both sides of greenhouses. Detail from *Renewing Plan, Vegetation*. LANDSCAPES, 1995.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 26, 2001

Ms. Cynthia Simpson  
Deputy Director  
State Highway Administration  
Office of Planning and  
Preliminary Engineering

RE: MD 7A from Ostego Street to  
Congress Avenue  
Harford County, Maryland  
Streetscape Project

Dear Mr. Simpson:

Thank you for submitting State Highway Administration's (SHA) proposed streetscape improvements in the Town of Havre de Grace. This office understands that the work to be completed includes resurfacing the roadway, replacement of signs and pavement markings, removal of existing traffic islands, replacement of curb, gutter and drainage structures, and the addition of landscaping and decorative features.

The roadway width on Union Avenue will be reduced from approximately 74 feet to 36 feet between Water Street and St. John Avenue. SHA is proposing to include brick lined sidewalk, brick cross walks, pedestrian lighting, way-finding signs, street trees, shrubs, benches and trash receptacles. Several retaining walls and the relocation and lighting of an existing statue are other improvements. The project area crosses an Intensely Developed Area within the Chesapeake Bay Critical Area. There will be no net increase to the existing impervious surface within the Critical Area Boundary. Strict sediment and erosion control practices will be enforced during construction to minimize impacts to water quality.

Also, this office understands that:

1. No wetlands occur in the project area and the Maryland Department of Natural Resources and the U.S. Fish and Wildlife Service have confirmed that no state and federal protected species are expected to occur in the project area; and

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Continued, Page Two

MD 7A from Ostego Street to Congress Avenue

January 26, 2001

2. Fish species found in the vicinity will be protected by the in-stream work prohibition period for Use I waters, sediment and erosion control methods and other Best Management Practices typically used for the protection of stream resources.

Critical Area Commission staff has determined that this project is consistent with Appendix B, Nos. 2 and 4 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Stan Ruchlewicz  
Phil Barker  
State File:01-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 25, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, MD 21202

RE: Bond Street Wharf  
Local Case Number: 000341

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a mixed use office building on top of an existing parking lot of a former warehouse located in Fells Point. The site consists of 2.64 acres in an Intensely Developed Area.

After reviewing the report and site plan, this office does not oppose the re-development of this site. The proposed re-development and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 659-01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 26, 2001

Ms. Cynthia Simpson  
Deputy Director  
State Highway Administration  
Office of Planning and  
Preliminary Engineering

RE: MD 7A from Ostego Street to  
Congress Avenue  
Harford County, Maryland  
Streetscape Project

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The roadway width on Union Avenue will be reduced from approximately 74 feet to 36 feet between Water Street and St. John Avenue. SHA is proposing to include brick lined sidewalk, brick cross walks, pedestrian lighting, way-finding signs, street trees, shrubs, benches and trash receptacles. Several retaining walls and the relocation and lighting of an existing statue are other improvements. The project area crosses an Intensely Developed Area within the Chesapeake Bay Critical Area. There will be no net increase to the existing impervious surface within the Critical Area Boundary. Strict sediment and erosion control practices will be enforced during construction to minimize impacts to water quality.

Also, this office understands that:

1. No wetlands occur in the project area and the Maryland Department of Natural Resources and the U.S. Fish and Wildlife Service have confirmed that no state and federal protected species are expected to occur in the project area; and

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Continued, Page Two  
MD 7A from Ostego Street to Congress Avenue  
January 26, 2001

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Critical Area Commission staff has determined that this project is consistent with Appendix B, Nos. 2 and 4 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Stan Ruchlewicz  
Phil Barker  
General File

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 24, 2001

Mr. Dorsey Hiteshew  
Project Engineer  
Whitney, Bailey, Cox and Magnani  
849 Fairmont Avenue Suite 100  
Baltimore, Maryland 21286


RE: Glenn Warner Soccer Facility  
United States Naval Academy, Annapolis  
Project No. 2000.0118.00.0

Dear Mr. Hiteshew:

Thank you for providing two possible areas within the Critical Area you have in mind as alternative mitigation areas. Both site plans show that the location of the proposed mitigation sites are on opposite sides of the Severn River on Naval Academy property.

In order to determine the suitability of the proposed alternative sites, I would like to go out with you and the Naval Academy engineers to evaluate whether the selected areas are appropriate as water quality enhancements. I will call you this Friday to set-up a meeting for a site visit. If there are any questions prior to our site visit, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Elder Ghigiarelli  
Regina Esslinger  
Federal File:37-00

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 24, 2001

Mr. Vernon Hustead  
Senior Planner  
Sigma Engineering, Inc.  
45 Old Solomons Island Road  
Suite 204  
Annapolis, MD 21401

RE: Crab Cove Subdivision

Dear Mr. Hustead:

The purpose of this letter is to respond to your phone call with questions about the extension of the 6-foot wide wood boardwalk into the 100-foot Buffer. Because the boardwalk is for shoreline and pier access, this office does not oppose the extension of the boardwalk. This office recommends that disturbance to the Buffer for pier and shoreline access be mitigated at a 2:1 ratio, using native Buffer plantings. (See Native Plant List) Any clearing for access within the Buffer must be kept to a minimum.

In reference to your question about other means to document lots that are at the 25% impervious surface limits, you can add to the revised site plan's impervious surface table, under note, that Lots 1 and 13 have reached the maximum allowable impervious surface coverage of 25 %, and that any additional impervious surface is prohibited without a variance.

I hope this clarifies your questions. If you have additional questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary  
Natural Resources Planner

cc: Jeff Torney  
Regina Esslinger  
An 216-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

## CLEARINGHOUSE REVIEW

January 17, 2001

TO: Arnold Norden, Greenways and Resources Planning (E-4)  
Lynn Davidson, Wildlife (E-1)  
Robert Beckett, State Forest and Park Service (E-3)  
John Rhoads, Natural Resources Police (E-3)  
Ray Dintaman, Environmental Review (B-3)  
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)  
Marian Honecny, Forestry (E-1)  
Bill Hodges, Resource Assessment Services (B-3)  
~~Regina Esslinger~~, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

FROM: James W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3862-12-181  
Eden Mill Park - Restroom, Harford County

This project proposes to further develop this 57.5 acre park with a handicap accessible restroom at the Eden Mill Nature Center. The single unisex restroom will utilize a vault evaporator system that saves water and negates the need for a septic system. This permanent restroom facility will replace the "Port-a Pot" currently being used.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

### CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

☒

DM 1/19/01

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

☐

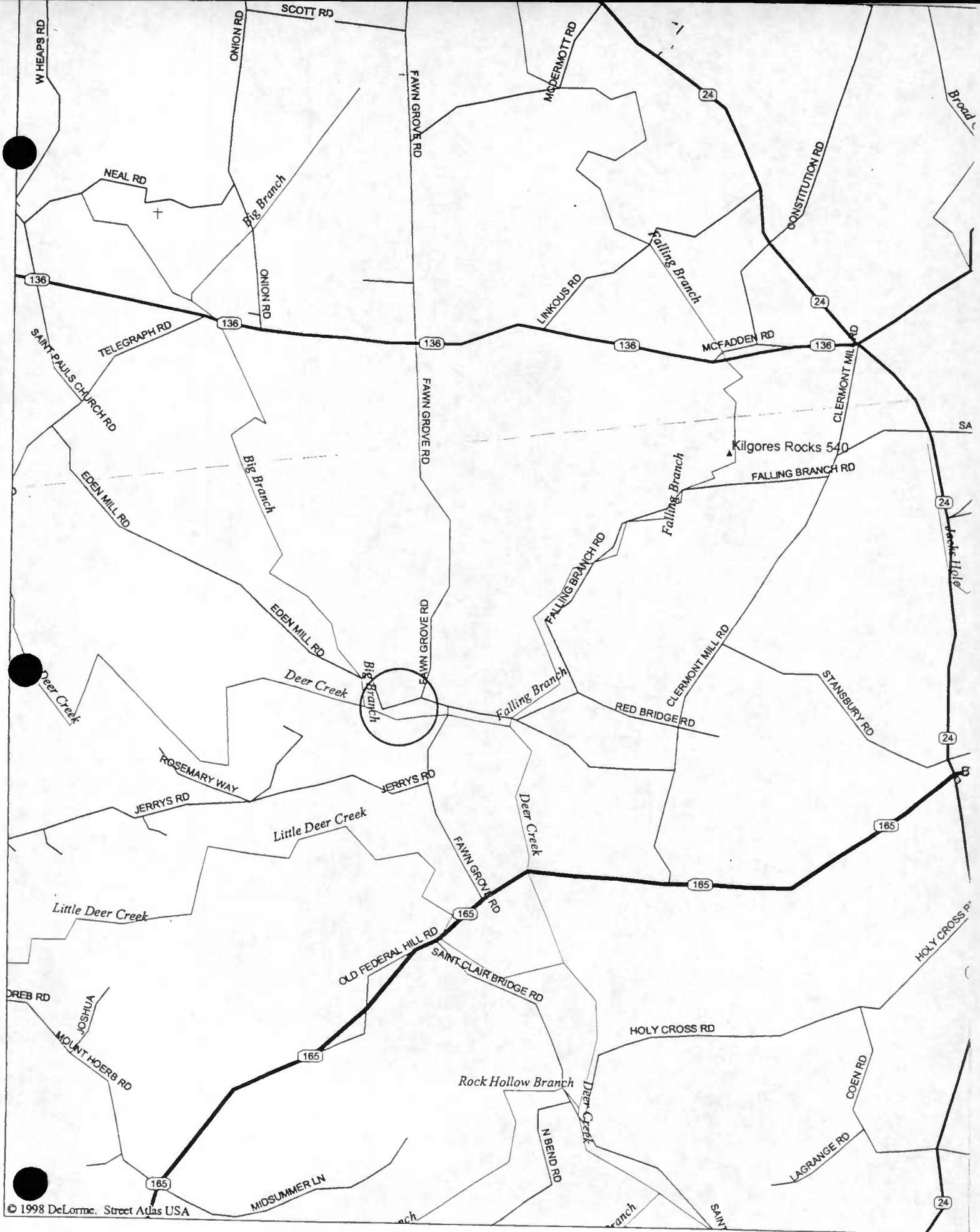
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3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

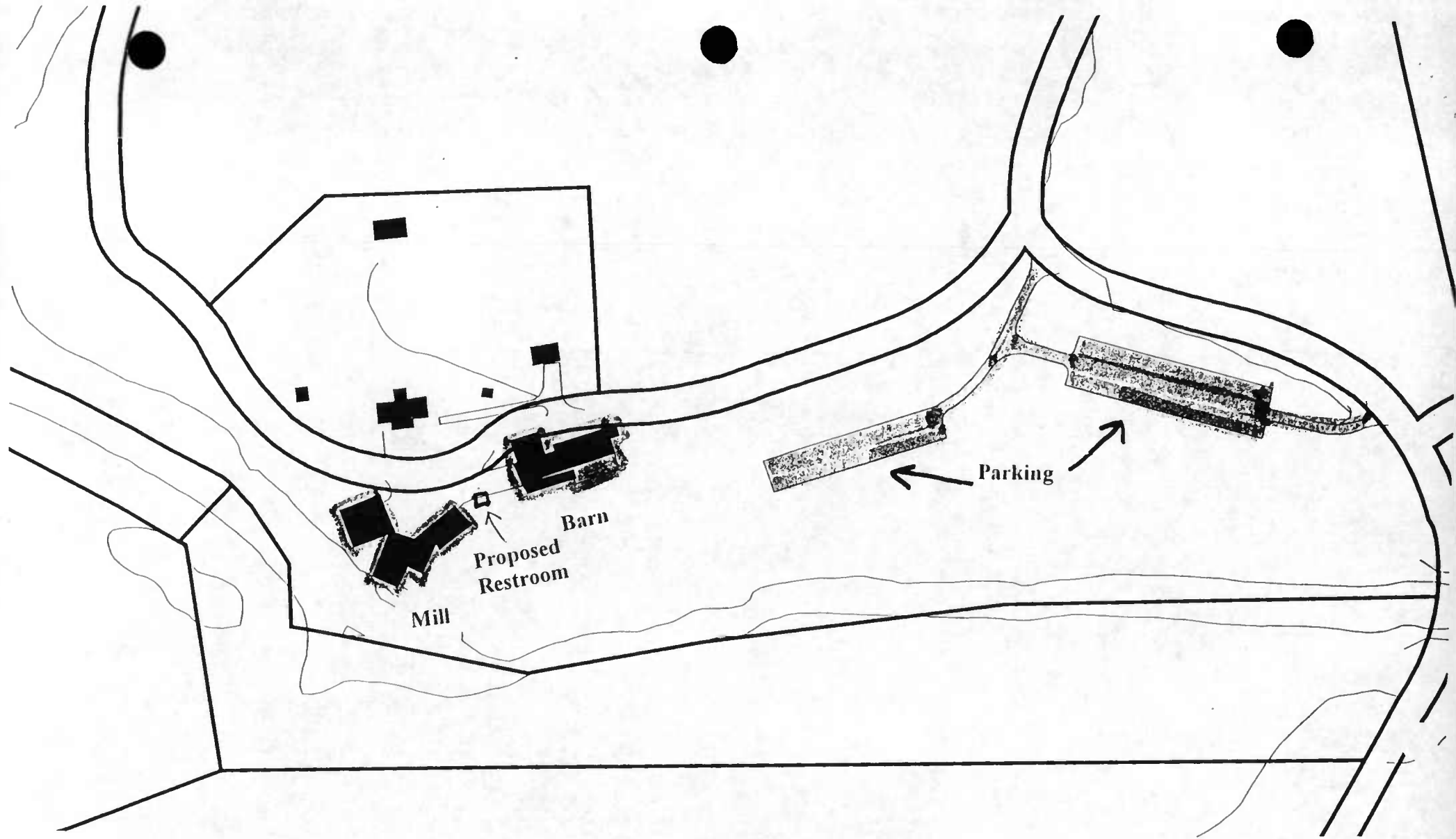
☐



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Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



ATTACHMENT NO. 1



Existing   
Proposed 





Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
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1804 West Street, Suite 100, Annapolis, Maryland 21401  
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January 11, 2001

Ms. Janet Gleisner  
Environmental Planner  
Harford County Planning and Zoning  
220 South Main Street  
Bel Air, Maryland 21014

RE: Rezoning Application: Case Number: 114  
BLC Properties, Inc. (Village of Gray's Run)

Dear Ms. Gleisner:

The applicant is requesting to rezone 175.48 acres of the above property from R3 (residential) to CI (commercial industrial). Out of the 175.48 acres, 50.57 acres are in the Critical Area and designated Resource Conservation Area (RCA). This office understands that in 1988, the property was zoned GI (general industrial) and was rezoned in the 1990's to residential. Because of a court order, the property cannot be developed as residential. The property came to the Commission in the past as a growth allocation request and mapping mistake. 0.39 acres of RCA was reduced to handle the adjustment of the 100 year flood plain and to modify the 1000 foot Critical Area boundary. The award of 8.4 acres of growth allocation from RCA to IDA was approved, reducing the Critical Area acreage within the RCA to 42.17 acres. Also, this area within the Critical Area has been identified as a Habitat Protection Area for Forest Interior Dwelling Species (FIDS). The growth allocation approval included a condition that the project must be brought back to the Commission with an acceptable identified FIDS mitigation area. This condition has not been met. If this condition cannot be met, further review by the Commission may be required.

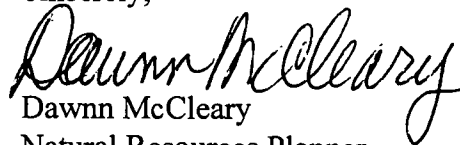
After reviewing the rezoning application, the County's CI (commercial industrial) zone is not compatible with the RCA designation. New industrial and commercial development are prohibited in the RCA. Therefore, the proposed rezoning is incompatible with the RCA if commercial and industrial uses are proposed on the 42.17 acres of RCA. The 42.17 acres can only be developed in accordance with the RCA.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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**Continued, Page Two**  
**Rezoning Application**  
**BLC Properties, Inc. (Village of Gray's Run)**  
**January 11, 2001**

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
Mary Owens  
HC 661-01

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 10, 2001

Mr. Jeff Torney  
Planner  
City of Annapolis Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, MD 21401


RE: Harborview PUD\Special Exception for Lot 6  
6 Little Harbor Way

Dear Mr. Torney:

The above subdivision is 3.16 acres in size and is designated both a Limited Development Area (LDA) and a Resource Conservation Area (RCA). After reviewing the above project, Critical Area staff has determined that all the Critical Area requirements have been met. This office is satisfied with the reconfiguration and consolidation of Lot 6 to include, the Forest Conservation Easement Area and the small open space area near the Little Harbor Way to meet the impervious surface requirements.

In reference to the special exception request for the five townhouses on Lot 6, this office has no comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Tom Smith  
Regina Esslinger  
AN 587 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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(410) 260-3460

Fax: (410) 974-5338

January 10, 2001

Ms. Diane Radcliff  
Chief, Environmental Planning  
Environmental Planning Division  
Mass Transit Administration  
6 St. Paul Street  
Baltimore, Maryland 21202

RE: Light Rail Double Track Project - Sections 5 and 6

Dear Ms. Radcliff:

On January 3, 2001, the Chesapeake Bay Critical Area Commission unanimously approved Section 5 of the Mass Transit Administration's (MTA) Light Rail Double Track Project in Baltimore City with conditions in accordance with COMAR 27.02.06 Conditional Approval of State and Local Agency Programs in the Critical Area. The Commission also unanimously approved Section 6 in Baltimore County subject to conditions in accordance with COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands. The approval of Sections 5 and Section 6 included the following conditions:

**SECTION 5:**

- 1) That MTA will finalize and submit a mitigation site for the Buffer area impacted by the second Pier No. 14. MTA will continue to work with Critical Area staff regarding mitigation for all impacts that will take place in the Buffer as well as coordinate follow-up site visits for future monitoring of the planted areas, and,
- 2) That the stormwater management plans will need to be approved by the Maryland Department of the Environment before construction.

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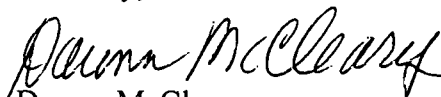
*MTA Light Rail Double Track Project, Section 5 & 6*  
*Baltimore City and County*  
*January 10, 2001*  
*Page Two*

**SECTION 6:**

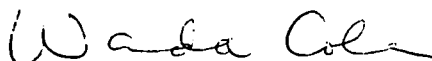
- 1) That the planting plan be finalized by the time of the pre-construction meeting and forwarded to staff for review and approval prior to implementing any construction within the Critical Area portions of the project.
- 2) That a maintenance agreement for the sand filter facility be developed with Critical Area staff to include regularly scheduled reporting.

Once you have found a mitigation site for the Buffer area that will be impacted, please fill out the attached "Planting Agreement for State Projects" and return to Dawnn McCleary as soon as possible. Critical Area staff will be pleased to work with you and the consultants to ensure that these conditions are met. If there are any additional questions, please feel free to call Dawnn McCleary at (410) 260-3483 regarding Section 5 or Wanda Cole at (410) 260-3481 for Section 6.

Sincerely,



Dawnn McCleary  
Natural Resources Planner



Wanda Cole  
Natural Resources Planner

***Attachment***

cc: John Newton  
Betsy Weinkam  
Bryan Mulqueen  
Tom Conklin  
Regina Esslinger  
State File: 25 - 99  
State File: 24-99

# Planting Agreement for State Projects

**Agency**

**Project Number**

**Agency Contact**

**Phone Number**

**Commission Approval Date**

**CAC Planner**

**Project Name**

**Project Location**

**Square Feet Cleared Outside 100ft Buffer**

**Mitigation Ratio for Clearing Outside Buffer\***

**Mitigation Calculation Outside Buffer**

**Square Feet Disturbed/Cleared Within 100ft Buffer**

**Mitigation Ratio for Disturbance/Clearing Within Buffer\***

**Mitigation Calculation Within Buffer**

**15% Afforestation Requirement Met?**

**Total Mitigation Required**

**Planting and Natural Regeneration Plan (attach additional sheets if necessary)**

**Planting Date**

**Year**

**First Site Visit Date**

**First Site Visit By**

**Second Site Visit Date**

**Second Site Visit By**

**Mitigation Completed?**

\* see back for explanations

Revised 4/28/99

## 1. Amount of Disturbance and Clearing

There are two ways to calculate the amount of disturbance in the Critical Area. Disturbance is based on either the area disturbed or number of individual trees that will be cut. It is recommended that when an area to be disturbed more closely resembles a natural forest (i.e. canopy cover with a multi-layer understory) or when structures or other impervious surfaces are placed within the Buffer or a BEA, even if no trees are cleared, you should quantify the disturbance amount in the *area cleared*. On the other hand, if your site more closely resembles a park setting (i.e. scattered trees with little or no understory), it is recommended that you count the *number of trees removed*.

## 2. Plant Spacings and Mitigation Credits for Various Size Trees and Shrubs\*

Credit Square Feet	Plant Size	Plant Spacing
100 sq. ft.	1 tree (2-inch caliper)	10-foot center
400 sq. ft.	1 tree (minimum: 2-inch caliper and either balled and burlapped or container grown) <u>and</u> understory vegetation (minimum: 2 small trees or 3 shrubs)	tree: 20-foot center understory: 10-foot center
50 sq. ft.	1 tree (seedlings)	7-foot center
50 sq. ft.	1 shrub	3 to 7-foot center

\* The Critical Area Commission recognizes natural regeneration as a method for mitigation on appropriate sites. This will be determined on a case by case basis. All plantings will require protective measures to ensure that these areas remain planted in perpetuity.

## 3. Mitigation Ratios

Choose from the following for the mitigation ratios:

### Mitigation Ratio for Clearing Outside Buffer

Clearing of Forest/Woodlands up to 20% in Critical Area 1:1  
Clearing of Forest/Woodlands up to 30% in Critical Area 1.5:1  
Clearing of Forest/Woodlands over 30% in Critical Area 3:1  
Clearing Violation 3:1  
Other  
N/A

### Mitigation Ratio for Disturbance/Clearing Within Buffer

New Development / Redevelopment (non-BEA) 3:1  
New Development / Redevelopment (BEA) 2:1  
Shore Erosion Control 1:1  
Public Shoreline Access 2:1  
Clearing Violation 3:1  
Other  
N/A

## 4. Planting Date

The Planting Date should be either the spring or fall season following the approval of the project by the Critical Area Commission.

## 5. Site Visits

Two site visits will be conducted over a period of two years by Critical Area Commission staff. The objective of the site visits is to verify that the mitigation has been carried out as approved (i.e. species, number of trees/shrubs, location).

Judge John C. North, II  
Chairman



*Neader*  
*666*  
Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 9, 2001

Ms. Lori Schmick  
Environmental Planner  
Caroline County Planning and Zoning  
403 South 7<sup>th</sup> Street, Suite 200  
Denton, Maryland 21629

RE: John and Denise Naumann Variance  
01 - 03V

Dear Ms. Schmick:

Thank you for the opportunity to review the above variance application. This office has reviewed the applicant's proposal to build a 576 square foot garage in the 100- foot Buffer. The property is 0.5099 acres and is designated a Limited Development Area. After reviewing the site plan, this office does not oppose this variance. However, it appears on the site plan that the garage can be moved a little more out of the Buffer if it is placed on the end of the stone driveway. This would further reduce Buffer disturbance and new impervious surface. This office recommends that any additional disturbance to the 100-foot Buffer must be mitigated at a 3:1 ratio, using native plantings, on site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

*Dawnn McCleary*  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
CR 06 - 01

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-3460 Fax: (410) 974-5338

January 5, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202


RE: Tide Point Project  
Local Case Number: 000129

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to redevelop 13.64 acres of the old Proctor and Gamble site on 4 parcels of land on the Locust Point for recreational, retail, and office use. The parcels are located in the Intensely Developed Area. The site is currently occupied as an office by Struever Brothers, Eccles, and Rouse and their tenants.

After reviewing the report and site plan, this office does not oppose the project, however, the applicant should submit a planting plan showing the location of the bioretention facility in the upper parking lot of the Joy Building. Please forward the revised site plan to this office once you receive it. I will provide comments at that time. If there are any questions, please feel free to call me (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 627- 00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 5, 2001

Mr. Duncan Stuart  
Environmental Planner  
Baltimore City Department of Planning  
417 East Fayette Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202

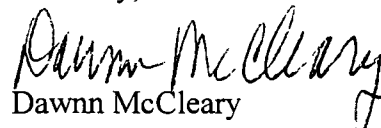
RE: Active Transportation  
Local Case Number: 000206

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to build an office and re-pave the parking lot for use as a truck storage yard. The lot is located in the Intensely Developed Area and totals 3.069 acres.

After reviewing the site plan, this office does not oppose the above project, however, it appears that the shallow extended detention marsh on the site plan does not include a forebay area. The current design does not show all of the components needed to review the effectiveness whether the marsh provides good pollutant removal efficiencies on site. *(See attached example from the Maryland Department of the Environment's "2000 Stormwater Design Manual", Vol. I and II, pages 3.18 and 3.21 -3.24, Figure 3.7).* Please forward a revised site plan showing all the components of the shallow extended detention marsh. I will provide additional comments at that time. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

  
Dawnn McCleary  
Natural Resources Planner

cc: Regina Esslinger  
BA 648-00

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

## CHESAPEAKE BAY CRITICAL AREA COMMISSION

### STAFF REPORT

January 3, 2001

**APPLICANT:** Mass Transit Administration

**PROPOSAL:** Light Rail Double Track , Section 5

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval with Conditions

**STAFF:** Dawnn McCleary

**APPLICATION LAW/  
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or  
Local Agency Programs in the Critical Area

### DISCUSSION:

#### Project History:

On September 6, 1989, the Critical Area Commission first approved the Central Light Rail Line for Baltimore County, Baltimore City and Anne Arundel County. The approved Critical Area report documented the existing natural resources and the environmental impacts created by the original Mass Transit Administration (MTA) light rail construction within the Critical Area limits. Several conditions required by the Commission were eventually met by MTA many years ago.

#### Proposed Development Activity:

The double track for the Central Light Rail at the Middle Branch is located in the Gywnns Fall watershed. The areas requiring water quality control measures include the proposed footings for the remaining piers at the Middle Branch Bridge and all the footings for the Kloman Street Bridge, one central instrument house, and one traction power substation with associated gravel access road. The traction power station is located approximately 600 feet south of the Middle Branch shoreline and the central instrument house is located approximately 150 feet south of Westport Station platform. The project is located in an area of intense development.

The Mass Transit Administration is also seeking approval to allow a second pier to be constructed parallel to Pier No. 14 within the 100-foot Buffer. There are other bridge piers that already exist as double piers except for Piers 1 thru 7, 13 and 14 which are currently single piers. The existing single Pier No. 14 located in the Middle Branch is currently constructed in the 100-foot Buffer. The pier is located in a grassy area approximately ten feet south of the Stockholm Street curb line at the northern end of Middle Branch Bridge. The MTA is planning on constructing a parallel bridge with the same pier spacing as the existing single bridge. The span spacing between piers is typically 80 feet. When utilizing the existing piers with the new piers, the new pier spacing must be maintained with the same span lengths, which therefore places the new Pier No. 14 in the 100-foot Buffer.

Since Pier No. 14 must be located in the 100-foot Buffer, the applicant must mitigate on site or somewhere else in the Buffer. According to MTA's environmental consultant, a site for Buffer mitigation has been identified, but more information is still forthcoming. I anticipate having more information at the Commission meeting.

Finally, a letter from the Department of Natural Resources Heritage and Biodiversity Division indicates that no rare, threatened and endangered species are present on this site.

*Pollutant Removal Requirements:*

All impervious surface computed in the Critical Area limits are within MTA's right-of-way boundaries. MTA determined that it is not feasible to treat stormwater runoff at each impervious area location, therefore stormwater runoff will be treated offsite. The offsite water quality treatment will be a new expansion to an existing bioretention facility located on the north end of the Middle Branch and adjacent to PSI Net Stadium parking lot. The expanded bioretention for the PSI Net Stadium parking lot will serve the Middle Branch Bridge pier, traction power station, central instrument house and the Kloman Street Bridge pier.

*Conditional Approval Process*

**Conditional approval is required under the Commission's regulations for State and local agency projects when proposed development activities do not satisfy all regulations in full. The conditional approval process is set out in COMAR 27.02.06. In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics:**

**(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;**

There exist special features and special circumstances of the site that preclude MTA from siting Pier No. 14 outside the Buffer. There is already an existing Middle Branch Bridge Pier No. 14 that was constructed in the 100-foot Buffer. The existing pier is currently located in a grassy area approximately ten feet south of Stockholm Street. The MTA is planning on constructing a parallel bridge with the same type of pier spacing as the existing bridge. When utilizing the existing piers with new piers, the new pier spacing must be maintained. Because the existing pier is already in place, there is no alternative location out of the 100-foot Buffer.

**(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;**

The light rail system provides substantial public benefits because it is powered by electricity that produces minimum pollutants. The elevated bridges and the ballast track construction do not require water quality management. The only areas requiring water quality control measures include the proposed footings for the remaining piers at the Middle Branch Bridge, all the footings for the Kloman Street Bridge, the central instrument house, and one traction power substation with a gravel access road.

**(3) That the project or program is otherwise in conformance with this subtitle.**

The project is in conformance with the State Criteria and the City of Baltimore's Critical Area Program except for the 100-foot Buffer impacts from Pier No. 14. Critical Area staff and the environmental consultant evaluated the site earlier this year to ensure that the project is otherwise consistent with COMAR 27.02.06.

*The Commission must find that the conditional approval request contains the following:*

**(1) That a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;**

A literal enforcement of the provisions would prevent MTA from expanding the light rail's double track design in Baltimore City. Expansion is needed and a double track would eliminate delays in the trains getting to each stop in a timely manner.

**(2) There is a process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05; and**

The second pier for No. 14 that will go into the 100-foot Buffer is not consistent with the City's program. However, all disturbance to the 100-foot Buffer will be minimized and the proposed planting will result in improved habitat value and water quality leaving.

**(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State owned lands, on the criteria set forth in COMAR 27.02.05.**

Mitigation in the form of plantings for the Buffer impact will be provided by MTA. Critical Area staff was informed that a mitigation site has been found and is currently being investigated by MTA's environmental consultant. Critical Area staff will determine whether the proposed mitigation site is suitable.

Along with conditions listed below, the conditional approval request is consistent with COMAR 27.02.06, the Commission's regulations for Conditional Approval of State Agency Programs in the Critical Area.

*Continued, Page Five*  
*MTA Light Rail, Section 5*  
*January 3, 2001*

**Conditions:**

1. That MTA will finalize and submit a mitigation site for the Buffer area impacted by the second Pier No. 14. MTA will continue to work with Critical Area staff regarding mitigation for all impacts that will take place in the Buffer as well as coordinate follow-up site visits for future monitoring of the planted areas, and
2. That the Stormwater Management plans will need to be approved by the Maryland Department of the Environment before construction.

2001 Staff Correspondence Vol. 1 : Serey

SI832-147-4





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

June 15, 2001

Colonel Charles J. Fiala  
Commander and District Engineer  
U.S. Army Corps of Engineers  
Baltimore District  
P.O. Box 1715  
Baltimore, Maryland 21203

**RE: Eastern Shore, Maryland and Delaware Water Resources  
General Investigation Authority**

Dear Colonel Fiala:

Recently the Chesapeake Bay Critical Area Commission received information on the referenced program from the study team leader, Mr. Phil Hager. It is our understanding that the program provides cost sharing opportunities and technical assistance to agencies conducting water management studies related to water resources improvements. I am writing to express strong interest in participating in the program.

As you may know, the Chesapeake Bay Critical Area Act, passed in 1984 was enacted to address the declining resources of the Chesapeake Bay. The Act is a comprehensive resource protection program for the Bay and its tributaries that affects all land within 1,000 feet of tidal waters and tidal wetlands, and all waters of and lands under the Chesapeake Bay and its tributaries.

The Critical Area Act affects 16 counties, 44 municipalities, and Baltimore City. The Critical Area Commission works with local governments in all of these jurisdictions to implement local land use plans, ordinances, and regulations that advance the following goals of the Critical Area Act:

- Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

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*Colonel Fiala*  
*June 15, 2001*  
*Page 2*

- Conserve fish, wildlife, and plant habitat in the Critical Area; and
- Establish land use policies for development in the Critical Area that accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in the Critical Area can create adverse environmental impacts.

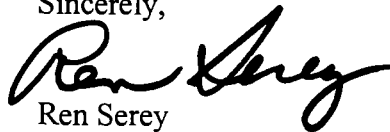
The Commission is interested in participating in the Water Resources Study for the purpose of performing watershed studies in several towns on the eastern shore. The purpose of the watershed studies would be to identify problems associated with a lack of stormwater management or insufficient and outdated best management practices. The studies would highlight opportunities to improve water quality and habitat through the design and construction of environmentally beneficial best management practices, such as wetlands and bioretention areas.

The Commission has a close working relationship with the staff of the towns within the Critical Area, and coordinates with the Department of Planning to provide three Circuit Riders to assist the towns with planning studies and projects. We believe that this would facilitate effective partnerships to accomplish the studies, identify potential projects, and implement the projects.

In summary, the Commission believes that participating in the Water Resources Study will provide much needed technical assistance and cost sharing opportunities to some small towns and that the implementation of the projects identified will substantially advance the goals of the Critical Area Act and the goals of the U.S. Senate Committee on the Environment.

I would like to meet with you or a member of your staff to discuss how we might proceed with this effort. I will contact Mr. Phil Hager next week to schedule a meeting. Thank you in advance for your assistance.

Sincerely,



Ren Serey  
Executive Director

cc: Mr. Phil Hager

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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June 4, 2001

The Honorable Jane T. Nishida  
Maryland Department of the Environment  
2500 Broening Highway  
Baltimore, Maryland 21224

Dear Secretary Nishida:

I am writing in regard to the Department of the Environment's representation on the Chesapeake Bay Critical Area Commission. J.L. Hearn has served ably as a Commission member for several years. Recently, J.L. informed me that he has retired from State service. We shall miss his guidance on the numerous Critical Area topics that relate so closely to the Department's responsibilities.

As you know, our Critical Area Buffer is measured landward from state waters and tidal wetlands. The delineation of the Buffer line involves a thorough appreciation of legal, scientific and administrative issues. It is with this in mind that I offer a suggestion for J.L.'s replacement on the Commission. Gary Setzer has worked with our staff and Commission on many occasions to resolve complicated situations and often has substituted for J.L. at Commission meetings. Gary initiated a regular bi-monthly meeting for Commission and MDE Wetlands staff to help us better coordinate issues of mutual concern. I believe that Gary's selection would provide the Department with a strong voice in the development of Critical Area policies, particularly those that affect wetlands and the protection of aquatic habitats.

Thank you for the opportunity to offer this suggestion. If you have questions or need additional information, please contact me or Ren Serey, the Commission's Executive Director.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John C. North, II".  
John C. North, II  
Chairman

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 31, 2001

Ms. Susan Jacobs, Chief  
Environmental Programs Division  
State Highway Administration  
707 N. Calvert Street  
Baltimore, Maryland 21202

Re: Placement of Construction Trailers  
National Harbor Property

Dear Ms. Jacobs:

This letter is in response to your request to park the MDOT construction trailer and the contractor's construction trailers on the site selected as the construction staging area for the Woodrow Wilson Bridge Project. Provided that MDOT and its contractors comply with all applicable State and local permit requirements, this office does not object to parking the trailers on the site prior to Commission approval of development activities on the staging area.

Thank you for cooperation. If you have any questions, please do not hesitate to contact me at (41) 260-3460.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey", written over a horizontal line.

Ren Serey  
Executive Director

cc: Mr. Samuel E. Wynkoop, Jr., Department of Environmental Resources

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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May 3, 2001

Ms. M. Lorraine Hebrank  
1704 Brannocks Neck Road  
Cambridge, Maryland 21613

Dear Ms. Hebrank:

I am writing in response to your letter concerning storage of commercial equipment on a residential lot owned by Mark and Cheri Burton. You have included the decision by the Dorchester County Board of Appeals showing that the Board granted a Special Exception for a home-based contractor in the Resource Conservation District of the Critical Area.

I can well understand your concern and that of your neighbors. Commercial operations often are not easily accommodated in quiet residential communities. Apparently, the Board of Appeals also was concerned about noise and traffic, and placed conditions on its approval regarding hours of operation and the number of trips per week. As I am certain you realize, the storage of trucks and other business equipment on residential properties is not uncommon, particularly in rural areas. While use of the property in this manner can be upsetting, there usually is no Critical Area violation as long as the local government finds that the principal use of the property remains residential. This seems to be what the Board of Appeals has determined.

If you have further questions or need additional information, please contact Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Very truly yours,

A handwritten signature in black ink that reads "John C. North, II". The signature is stylized and includes a large, sweeping initial "J".

John C. North, II  
Chairman

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Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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April 30, 2001

Mr. Steven Kaii-Ziegler, Director  
Department of Planning and Zoning  
107 N. Liberty Street  
Centreville, Maryland 21617

RE: Sample Growth Allocation Language

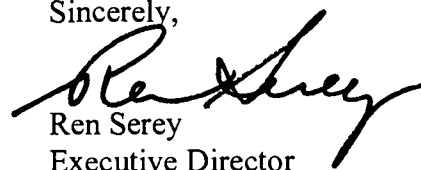
Dear Mr. Kaii-Ziegler:

To follow up on our meeting of April 2, 2001, enclosed are three different examples of growth allocation language from other jurisdictions. St. Mary's County, Talbot County, and draft language for Worcester County are included. As you will see, each involves at least one public hearing by the local legislative body prior to submittal to the Critical Area Commission for approval.

At our meeting, it seemed that many of your concerns related to ensuring that issues raised by the Critical Area Commission were addressed prior to approval by the County Commissioners. Commission staff is committed to providing comments and assistance at every stage of the amendment or project review process. Our Subcommittees also are willing to review proposals and provide feedback prior to a formal growth allocation submittal.

I hope this information is useful. We are aware that the County Planning Commission recently reviewed and approved growth allocation for the Grasonville Station commercial subdivision. It would be helpful to be able to report progress in our discussion to the Chairman as he makes the amendment vs. refinement determination for that change to the County's program. Please contact me at your earliest convenience to discuss the next steps in reviewing the County's growth allocation process.

Sincerely,



Ren Serey  
Executive Director

Cc: Ms. LeeAnne Chandler  
Ms. Mary Owens

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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April 18, 2001

Mr. Curtis Rittenhouse  
Mrs. Anne Rittenhouse  
7395 Back Street  
Newcomb, Maryland 21653

Re: Buffer Exemption Area – Talbot County Map 40-A

Dear Mr. and Mrs. Rittenhouse:

I am writing in response to your letters regarding Talbot County's possible designation of property along Oak Creek as a Buffer Exemption Area (BEA). As Chairman of the Chesapeake Bay Critical Area Commission, I share your concerns about overdevelopment of our shorelines. I am particularly aware of proposals for commercial development in the Newcomb area. The issues you raise however are not as easily disposed of as one might assume.

The Critical Area Criteria, approved by the General Assembly in 1986, provide local governments the option to designate certain grandfathered, developed sites as Buffer Exemption Areas. Unfortunately, the term exemption is a misnomer. The Criteria require local jurisdictions to propose alternative measures which may allow some Buffer development, but which still assure protection of water quality and wildlife habitat to the extent possible.

If the Talbot County Council approves the BEA designation, the County will forward its decision and any alternative regulations to the Critical Area Commission as amendments to the local Critical Area Program. However, at this time we do not have an official Talbot County proposal before us. Therefore, I urge you to focus your efforts on the local approval process.

While the Critical Area Commission cannot consider issues such as traffic volume and neighborhood compatibility, those are important matters for local officials. I recommend that you attend the local hearings of the County Planning Commission and the County Council concerning the update of the Critical Area Program and voice your concerns.

You may hear that the Critical Area Commission already has approved the Newcomb Buffer Exemption Area. That is a common misconception when we participate in project or program reviews at an early stage. Although Commission staff have informed the County

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Mr. and Mrs. Rittenhouse

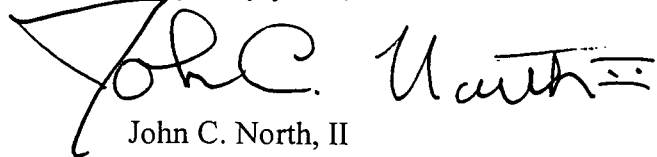
April 18, 2001

Page 2

planning office that designation of the Newcomb area appears generally consistent with BEA designations elsewhere, the County Council must decide if such a designation is appropriate for Talbot County.

If you have questions or need additional information, please contact Ms. Lisa Hoerger at (410) 260-3478.

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. North, II". The signature is written in a cursive, flowing style. The first part of the signature, "John C.", is more compact, while "North, II" is more extended and includes a small flourish at the end.

John C. North, II  
Chairman



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 21, 2001

The Honorable Jeanne Lynch, President  
Board of County Commissioners  
One West Market Street  
Courthouse, Room 112  
Snow Hill, Maryland 21863-1072

Re: Worcester County Critical Area Program and Ordinance

Dear Commissioner Lynch:

Thank you for the interesting presentation to the Critical Area Commission at our March 7, 2001 meeting on the many endeavors of Worcester County to protect the Coastal Bays. The withdrawal of HB99 from consideration during this session of the General Assembly will provide the County the opportunity to continue working toward the objectives stated in the Coastal Bays Management Plan. The Commission looks forward to hearing about the County's progress.

While it appears obvious that many efforts are under way to protect the Coastal Bays, we are concerned that Worcester County's Critical Area Program has not received the attention it needs. Worcester County adopted its Critical Area Program in October of 1990. Part of the Program included appendices outlining proposed changes to County ordinances to implement the Program and make it enforceable. However, we have no record that the County incorporated these changes into the County Code and our inquiries to County staff confirm this situation.

The Commission has made a concerted effort to work with County staff in codifying the County's Critical Area Program. In 1998, we forwarded an ordinance document prepared specifically for Worcester County. In February 2000, we met with County staff to review the document page by page. At that time, the County identified the need only for minor format changes. Our expectation was that County staff would finalize any changes and begin to take the document through the local legislative process. To date, no progress has been reported to us despite a number of letters and phone calls.

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The Honorable Jeanne Lynch


March 21, 2001

Page 2

The Program Subcommittee of the Critical Area Commission has requested an update on the progress of the codification of Worcester County's Program at the April 4, 2001 Commission meeting. This would be a good opportunity also for County staff to ask questions or discuss any outstanding issues of local concern. We would appreciate it if you would ensure that appropriate County staff is available to meet with the Subcommittee regarding the status of the County's Critical Area Program. We will contact County staff regarding the specific time of the meeting.

Please contact me or Mr. Ren Serey, the Commission's Executive Director, if you have questions or need additional information. Thank you for your prompt attention to this matter.

Very truly yours,

  
John C. North, II  
Chairman

cc: Mr. Gerald T. Mason, Chief Administrative Officer  
Mr. Edward A. Tudor, Director of Development Review  
and Permitting  
Mr. Sandy Coyne, Director of Comprehensive Planning  
Mr. Joe Jackson, Critical Area Commissioner

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 15, 2001

The Honorable Leon G. Billings  
Room 223  
Lowe House Office Building  
Annapolis, Maryland 21401

**Re: HB 661: Chesapeake Bay Critical Area Protection Act – Variances**

Dear Delegate Billings:

I have talked to Senator Frosh about your concerns regarding the definition of unwarranted hardship in HB 661 and SB 607. Senator Frosh asked me for a letter from the Attorney General's office comparing the definition of unwarranted hardship in the bill to language developed by the Chesapeake Bay Foundation. I have enclosed a copy of a letter from Assistant Attorney General Robert Zarnoch to Senator Frosh in which Mr. Zarnoch says that the definition as drafted is strong and fulfills the purpose of the bill. If Senator Frosh agrees, the Commission will support the original language.

I also have looked into the use of the terms *parcel* and *lot*. Both terms are used in the Critical Area law and in the Criteria. Other terms used are *land*, *site* and *property*. Perhaps one of these terms could be used to make the bill more specific. Another possibility would be to do the following:

Page 4, line 35:

Insert after "lot": AS SET OUT IN A RECORDED PLAT OR DEED...

Please contact me if you have questions or if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".  
Ren Serey  
Executive Director

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Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 15, 2001

The Honorable Michael H. Weir  
Room 303  
Lowe House Office Building  
Annapolis, Maryland 21401

**Re: HB 661: Chesapeake Bay Critical Area Protection Act – Variances**

Dear Delegate Weir:

I have talked to several people, including Senator Stone and Delegates Mohorovic and Redmer, about concerns expressed by marina owners in Baltimore County. David Carroll, the Director of DEPRM, suggested an amendment that would make it clear that HB 661 does not apply to Buffer Exemption Areas or Baltimore County's Buffer Management Areas. His suggestion, which the Critical Area Commission supports, is as follows:

Insert at Page 5, line 10:

THIS SUBSECTION SHALL NOT APPLY TO BUILDING PERMITS  
OR ACTIVITIES WHICH COMPLY WITH A LOCAL  
JURISDICTION'S BUFFER EXEMPTION PLAN OR BUFFER  
MANAGEMENT PLAN APPROVED BY THE COMMISSION.

I have talked to Delegate Billings about his concerns that the definition of unwarranted hardship is not strong enough. The Chesapeake Bay Foundation talked to him and Senator Frosh about this. Senator Frosh asked me for a letter from the Attorney General's office comparing the definition of unwarranted hardship in the bill to language developed by CBF. I have received a copy of a letter from Assistant Attorney General Robert Zarnoch to Senator Frosh in which Mr. Zarnoch says that the definition as drafted is strong and fulfills the purpose of the bill. I have enclosed a copy of the letter for you and will provide a copy to Delegate Billings. CBF has assured us that they will support your decision on this issue.

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The Honorable Michael H. Weir  
March 15, 2001  
Page 2

Delegate Billings also is concerned about the term *parcel or lot*. He believes it is not specific enough. *Parcel* and *lot* are used in the Critical Area law and in the Criteria. Other terms used are *land*, *site* and *property*. Perhaps one of these terms could be used to make the bill more specific. Another possibility would be to do the following:

Page 4, line 35:

Insert after "lot": AS SET OUT IN A RECORDED PLAT OR DEED...

I will provide this information to Delegate Billings. Please let me know if you have any questions.

Sincerely,



Ren Serey  
Executive Director

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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March 14, 2001

The Honorable Alfred W. Redmer, Jr.  
Room 307  
Lowe House Office Building  
Annapolis, Maryland 21401

**Re: HB 661: Chesapeake Bay Critical Area Protection Act – Variances**

Dear Delegate Redmer:

Thank you for calling me about HB 661. I just wanted to assure you that the provisions of the bill do not affect Baltimore County's Buffer Management Areas. The amendment that David Carroll suggested should make this clear. If the County wishes in the future to add other grandfathered areas to its overall Buffer Management Plan, the Critical Area Commission will make every effort to assist in that process.

Please contact me if you have questions or if you need additional information.

Sincerely,

  
Ren Serey  
Executive Director

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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

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March 14, 2001

The Honorable Roy Dyson  
Room 215  
James Senate Office Building  
Annapolis, Maryland 21401

**Re: SB 607: Chesapeake Bay Critical Area Protection Act – Variances**

Dear Senator Dyson:

I wanted to bring you up to date on my conversations with various legislators regarding SB 607. Senator Stone thought that the bill as drafted was not clear regarding properties already designated by a local jurisdiction as a Buffer Exempt Area, or Buffer Management Area as it is called in Baltimore County. These properties do not usually need variances and it was not the Commission's intent to change local processes concerning them. David Carroll, the new director of Baltimore County's Department of Environmental Protection and Resource Management, suggested language to clarify that these areas are not affected. David's suggestion, which Senator Stone may introduce as an amendment and which the Commission supports, is as follows:

Insert at Page 5, line 10:

THIS SUBSECTION SHALL NOT APPLY TO BUILDING PERMITS  
OR ACTIVITIES WHICH COMPLY WITH A LOCAL  
JURISDICTION'S BUFFER EXEMPTION PLAN OR BUFFER  
MANAGEMENT PLAN APPROVED BY THE COMMISSION.

As I mentioned in a previous note, the Chesapeake Bay Foundation believed that the definition of unwarranted hardship left too much to the interpretation of the Courts. Senator Frosh asked us to request a letter from the Attorney General's office comparing the bill's definition of unwarranted hardship to language suggested by CBF. I received a copy of a letter from Assistant Attorney General Robert Zarnoch to Senator Frosh on the

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The Honorable Roy Dyson

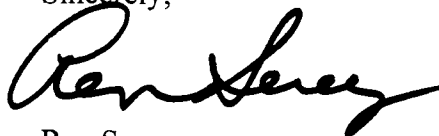
March 14, 2001

Page 2

subject and have enclosed it for you. I do not know what Senator Frosh intends to do with the information but I am hopeful that the bill can remain as drafted concerning this point. CBF now has told us that they will support the original language.

Please contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Ren Serey  
Executive Director



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

March 14, 2001

The Honorable Norman R. Stone, Jr.  
Presidential Wing  
James Senate Office Building  
Annapolis, Maryland 21401

**Re: SB 607: Chesapeake Bay Critical Area Protection Act – Variances**

Dear Senator Stone:

Thank you for meeting with me last Friday regarding SB 607. I spoke to Delegate Redmer yesterday. He agrees that the language David Carroll proposed clarifies that the bill does not affect properties in Baltimore County mapped in the Buffer Management Area.

I also wanted to bring you up to date on the aspect of the bill that deals with the definition of unwarranted hardship. Senator Frosh asked us to request a letter from the Attorney General's office comparing the bill's unwarranted hardship provision as drafted to the language suggested by the Chesapeake Bay Foundation. I received a copy of a letter from Assistant Attorney General Robert Zarnoch to Senator Frosh on the subject and have enclosed it for you. I do not know what Senator Frosh intends to do with the information, but the provision as originally drafted still has no effect on the Buffer Management Area and an amendment along the lines we discussed would ensure that.

Please contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".

Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

CARMEN M. SHEPARD  
DONNA HILL STATION  
Deputy Attorneys General



ROBERT A. ZAMNOCH  
Assistant Attorney General  
Counsel to the General Assembly

RICHARD E. ISHAK  
KATHRYN M. ROWE  
SANDRA J. COHEN  
Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

March 12, 2001

The Honorable Brian E. Frosh  
202 James Senate Office Building  
Annapolis, Maryland 21401-1991

Dear Senator Frosh:

In response to Court of Appeals decisions perceived as weakening the standard for the granting of variances by local jurisdictions to Chesapeake Bay Critical Area program development criteria, House Bill 661 sets forth a statutory definition of "unwarranted hardship" that must be shown to justify a variance.<sup>1</sup> A proposed amendment to House Bill 661 would delete this definition and provide that "in considering applications for variances, a local jurisdiction shall consider reasonable use of the entire parcel or lot for which the variance is requested." You have requested advice on which of these approaches would provide greater protection for the environment and return the law to the administrative interpretation that prevailed prior to 1999.

In my view, the language of House Bill 661 as introduced better achieves this goal than the proposed amendment.

The standard for granting a zoning variance on the basis of "unwarranted" or "unnecessary hardship" has traditionally been a stringent one. For example, *Marino v. City of Baltimore*, 215 Md. 206, 217 (1957) states that to meet this test a restriction must be "so unreasonable as to constitute an arbitrary and capricious interference with the basic right of private ownership." See also 75 Opinions of the Attorney General 360, 361 (1990). And there is little doubt that the Critical Area Commission intended this stringent standard to apply when it adopted regulations governing local approval of variances. However, in three cases, the Court of Appeals took a differing view. See *Belvoir Farms Homeowners Ass'n. v. North*, 355 Md. 259 (1999); *White v. North*, 356 Md. 31 (1999); and *Mastandrea v. North*, 361 Md. 107 (2000). The first two cases applied an expansive view of "unwarranted hardship," while the third concluded that "reasonable use" for variance

<sup>1</sup>The first reader version of House Bill 661 would define "unwarranted hardship" to mean "that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested." The term "unwarranted hardship" does not appear in the Critical Area statute, but is used in COMAR 27.01.11.01 without definition.

The Honorable Brian E. Frosh  
Page 2  
March 12, 2001

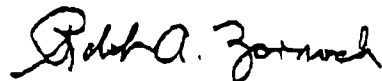
purposes was to be determined not by looking at the entire property, but only at the portion the owner wanted to use.

In my view, the proposed amendment to House Bill 661 focuses on the latter decision without attempting to address the Court of Appeals application of the "unwarranted hardship" standard. In addition, there is some authority for the proposition that the words, "shall consider" are not a "strict dictate," see *J.H. Miles & Co., Inc. v. Brown*, 910 F. Supp. 1138, 1156 (E.D. Va. 1995). Thus, under this language, a local jurisdiction may have some unintended discretion in deciding whether to deny a variance.

The first reader version of HB 661 deals with the *Mastandrea* issue in the definition of "unwarranted hardship" without conferring any additional variance discretion on local jurisdictions. In addition, by specifically defining "unwarranted hardship", the bill would clearly indicate its disapproval of the Court of Appeals application of the standard and lock into place a standard consistent with General Assembly intent. For these reasons, it is my view that the "unwarranted hardship" defined in HB 661 as introduced better achieves the goal of providing greater protection for the environment and returning the law to the administrative interpretation that prevailed prior to 1999.

I have consulted with Robert McDonald, Chief Counsel for Opinions and Advice and he concurs in this conclusion.

Sincerely,



Robert A. Zarnoch  
Assistant Attorney General  
Counsel to the General Assembly

RAZ:ads

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 12, 2001

Ms. Melanie J. Barney  
Jacobs & Barney  
Talbot Landing No. 8  
295 Bay Street  
Easton, Maryland 21601-2737

Re: Residential property located at  
25524 Bushey Heath Road  
Royal Oak, Maryland

Dear Ms. Barney:

Recently you requested any records held by the Commission pertaining to the above-referenced property. Following an extensive search of our project files, we determined that this office does not have any information regarding the above-referenced address in Royal Oak, Maryland

Please telephone me at (410) 260-3462 if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".

Ren Serey  
Executive Director

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
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March 5, 2001

The Honorable Michael H. Weir  
Room 303  
Lowe House Office Building  
Annapolis, Maryland 21401

Re: House Bill 661

Dear Delegate Weir:

Several things happened last Friday regarding House Bill 661. I have outlined them below.

**Preamble:** At the Senate hearing Senator Frosh asked us to draft a preamble to SB 607 to make it clear that the General Assembly intended to overrule the decisions of the Court of Appeals regarding Critical Area variances. I drafted language and sent it to him. The language is enclosed.

**Chesapeake Bay Foundation:** At both the House and Senate hearings CBF said that HB 661 and SB 607 did not go far enough. We have worked with them on language and they are now satisfied. The bill now does not define unwarranted hardship but instead states that in considering variances a local Board of Appeals must look at an entire property, not just a portion of it. This new language is acceptable to the Critical Area Commission and is shown on Page 5 of the bill, in bold as paragraph (2). I hope that this language will be acceptable to Delegates Billings and Hubbard who had concerns similar to CBF.

**Baltimore County Marinas:** At the Senate hearing Senator Stone asked about the effect of the bill on marinas already designated as Buffer Exempt Areas, or Buffer Management Areas as they are called in Baltimore County. He said it should be made clear that the bill will not affect such properties. Baltimore County officials at the Department of Environmental Protection and Resource Management drafted language

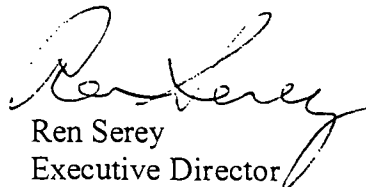
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The Honorable Michael H. Weir  
March 5, 2001  
Page 2

to incorporate these concerns. This language is acceptable to the Commission and is shown on Page 5 of the bill, in bold as paragraph (3).

I will talk to you soon. Thank you again for your leadership in this effort.

Sincerely,

  
Ren Serey  
Executive Director

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 5, 2001

The Honorable Roy Dyson  
Room 215  
James Senate Office Building  
Annapolis, Maryland 21401

Re: Senate Bill 607

Dear Senator Dyson:

Several things happened last Friday regarding Senate Bill 607. I have outlined them below.

**Preamble:** At the Senate hearing Senator Frosh asked us to draft a preamble to SB 607 to make it clear that the General Assembly intended to overrule the decisions of the Court of Appeals regarding Critical Area variances. I drafted language and sent it to him. The language is enclosed.

**Chesapeake Bay Foundation:** At both the House and Senate hearings CBF said that HB 661 and SB 607 did not go far enough. We have worked with them on language and they are now satisfied. The bill now does not define unwarranted hardship but instead states that in considering variances a local Board of Appeals must look at an entire property, not just a portion of it. This new language is acceptable to the Critical Area Commission and is shown on Page 5 of the bill, in bold as paragraph (2). I hope this language will be acceptable to Senator Frosh who I think had similar concerns.

**Baltimore County Marinas:** At the Senate hearing Senator Stone asked about the effect of the bill on marinas already designated as Buffer Exempt Areas, or Buffer Management Areas as they are called in Baltimore County. He said it should be made clear that the bill will not affect such properties. Baltimore County officials at the Department of Environmental Protection and Resource Management drafted language

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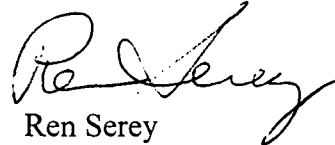
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The Honorable Roy Dyson  
March 5, 2001  
Page 2

to incorporate these concerns. This language is acceptable to the Commission and is shown on Page 5 of the bill, in bold as paragraph (3).

I will talk to you soon. Thank you again for your leadership in this effort.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey  
Executive Director



Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

March 5, 2001

The Honorable Leon G. Billings  
Room 223  
Lowe House Office Building  
Annapolis, Maryland 21401

Re: House Bill 661

Dear Delegate Billings:

I wanted to bring you up to date on House Bill 661, the Critical Area variance bill. We met with the Chesapeake Bay Foundation regarding concerns about the definition of unwarranted hardship. We agreed with George Chmael that it would be better to take out the definition and substitute new language to make it clear that local Boards of Appeals must look at an entire property when considering variances. This language is included in the enclosed version of the bill on Page 5, in bold as paragraph (2).

There is another proposed amendment on Page 5, shown in bold as paragraph (3). This paragraph states that the bill does not affect areas designated as Buffer Exempt Areas, or Buffer Management Areas as they are called in Baltimore County, and is in response to concerns raised by Senator Stone in the hearing on Senate Bill 607.

Finally, I've included a preamble to Senate Bill 607 requested by Senator Frosh. I've sent it to him but I do not know if he intends to propose it formally.

I have provided this material to Delegate Weir.

If you have questions, please call me at (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".  
Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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House Bill 661/Senate Bill 607

Preamble

WHEREAS, State lawmakers in 1984 recognized the importance of fostering more sensitive development activity along the shoreline areas of the Chesapeake Bay and its tributaries, from the standpoint of protecting and preserving water quality and natural habitats, with the adoption of the Chesapeake Bay Critical Area Protection Act; and

WHEREAS, the grandfathering provisions of the enabling Act and its accompanying Criteria provided certain exemptions for grandfathered properties to density limits, the Criteria expressly provided that grandfathered properties were not exempt from Habitat Protection Area (HPA) or water-dependent facilities requirements; and

WHEREAS, the Criteria provide that variances to a jurisdiction's local Critical Area Program may be granted if a local Board of Appeals makes findings that, among other things,

Special conditions or circumstances exist that are peculiar to an applicant's land or structures such that denial of a variance would result in unwarranted hardship; and

A literal interpretation of the regulations will deprive an applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction; and

The granting of a variance will not confer upon an applicant any special privilege that would be denied by the Criteria or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area; and

The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property; and

The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Act and its implementing Criteria; and

WHEREAS, recent decisions by the Maryland Court of Appeals have undermined the integrity of the Critical Area variance provisions by holding that a variance may be granted if the regulations would deny development on a specific portion of an applicant's property rather than considering alternative locations on site; and

WHEREAS, the Court of Appeals has ruled that a local Board of Appeals, when determining if denial of a variance would deny an applicant rights commonly enjoyed by others in the Critical Area, may compare a proposal to nonconforming uses or development that predated implementation of a local Critical Area program; and

WHEREAS, the Court of Appeals has ruled that an applicant for a variance from Critical Area requirements may generally satisfy the variance standards of a local zoning ordinance, rather than satisfy all of the standards; now,

THEREFORE, Be it resolved that it is the intent of this Act is to overrule the Court of Appeals regarding variances to Critical Area regulations; and

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 23, 2001

**MEMORANDUM**

**TO:** Carolyn V. Watson, Assistant Secretary

**FROM:** Ren Serey

**SUBJECT:** Innovations Awards – Council of State Governments  
**A Guide to the Conservation of Forest Interior Dwelling Birds in the  
Chesapeake Bay Critical Area**

You have asked for suggestions for the 2001 Innovations Awards sponsored by the Council of State Governments. Using the selection criteria provided, I have described for your consideration the Critical Area Commission's guidance paper for the conservation of Forest Interior Dwelling Bird (FIDS) habitat along Maryland's tidal waters.

**Newness:** **Has the program or policy been operational for at least eight months but no longer than five years?**

The Critical Area Commission approved *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area* in June, 2000 for use by 16 counties, Baltimore City, 44 municipalities and all State agencies undertaking development activities in Maryland's Chesapeake Bay Critical Area. The Critical Area encompasses 650,000 acres, approximately 10% of the State. The Guidance Paper replaces and expands upon a 1986 publication that laid the groundwork for protection of forest interior species but was difficult to implement because of its lack of specificity.

**Creativity:**

**Does the program or policy represent a new and creative approach to problems or needs?**

Through the Chesapeake Bay Critical Area regulations, Maryland requires local governments to develop management programs to protect and conserve significant forest habitat, especially large forests of approximately 50 acres or greater used as breeding habitat by FIDS. The protection and conservation of FIDS species is intended as a cooperative state-local effort. However, the regulations do not include specific implementation practices or minimum protection standards. In this vacuum, local governments have found it difficult to balance the state mandate for FIDS protection with the legal rights of developers.

The Commission's 1986 guidance document was difficult to implement because it did not address the fundamental question of whether conservation or property rights took precedence. Local governments still feared the possibility of lawsuits if they reduced development proposals below the minimum allowed zoning. The Critical Area Commission's 2000 Guidance Paper corrects this deficiency. The guidance applies scientific principles to individual development projects and justifies the redesign of proposals in order to protect and conserve essential habitat.

The Guidance Paper sets out a step-by-step process for determining when FIDS habitat exists; helps local governments analyze the relative impacts of development on different types of habitat; and provides for measurable mitigation when impacts to the habitat are unavoidable. For the first time, the Critical Area Commission provides a science-backed legal mechanism for local governments and state agencies to carry out the requirement to protect FIDS and their valuable forest habitats. The paper also provides state and local governments a methodology to preserve unfragmented forests on a regional scale.

**Effectiveness:**

**Has the program or policy been effective in achieving its stated goals and purposes to this point?**

The Guidance Paper's procedures for review, adjustment and mitigation have been used successfully many times resulting in the protection of hundreds of acres of FIDS habitat. Two counties have formally adopted the guidance into their local Critical Area zoning ordinances. Other jurisdictions are using the guidance as controlling local policy.

The paper explains the concepts of *forest edge* and *forest interior* and emphasizes the use of Site Design Guidelines to conserve forest interior. Mitigation is based in large part on the extent to which the Site Design Guidelines are followed and takes into account direct and indirect impacts to the habitat. Mitigation usually involves the creation of additional habitat, but in certain instances may include the protection of existing habitat.

**Significance:**

**Does the program or policy address significant problems or issues that are regional or national in scope?**

The 26 species of forest interior dwelling birds identified in the Guidance Paper have been in decline in Maryland and nationally for many years. The Commission's Guidance Paper focuses on the conservation of large blocks of mature forest necessary for the successful breeding of these species. Diversity in forest bird species is an indicator of the overall quality of forest habitat.

**Applicability:**

**Is the program or policy applicable to other states?**

The principal reason for the decline of forest interior species is the loss of breeding habitat due to forest fragmentation and clearcutting. FID species differ from many others because they require relatively large blocks of mature forest for successful breeding. In the United States habitat loss has resulted primarily from the sprawled nature of low-density development. In South America, where many FID species spend the winters, the loss usually is attributed to burning to create agricultural land.

**Transferability:**

**Could the program or policy be easily transferred to other states?**

The Guidance Paper represents the latest scientific research on the habitat functions and needs of 26 FID species. Site planning and natural resource management problems that affect forest habitat are similar in many sections of the country. The paper can be used by state governments in highway planning, site selection for state facilities and the overall management of natural resources. The protection measures are suitable for inclusion in local zoning ordinances and subdivision regulations and can be promoted by state planning agencies.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 19, 2001

The Honorable Michael H. Weir  
Room 303  
Lowe House Office Building  
Annapolis, Maryland 21401

Re: House Bill 661

Dear Delegate Weir:

As I mentioned to you last week, the Critical Area Commission's counsel, Marianne Mason, suggested to us that a drafting error had occurred in the preparation of House Bill 661. Page 4 of the bill, line 29 implies that the remainder of the bill is an exception to the Critical Area law, rather than an addition to it. Her recommendation is to delete line 29, which would allow new paragraph 13 to begin in the same fashion as several previous paragraphs in the original law.

Our proposed amendment is as follows:

**AMENDMENT TO HOUSE BILL 661**

Page 4, line 29: Delete the entire line.

Thank you for your consideration of this proposal and for your long-standing efforts on behalf of the Critical Area Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".

Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

## **HOUSE BILL 661**

**Testimony of Judge John C. North, II  
Chairman, Chesapeake Bay Critical Area Commission  
February 20, 2001**

**As Chairman of the Chesapeake Bay Critical Area Commission since 1989, I have been fortunate to witness the exemplary efforts by 16 Maryland counties and 44 municipalities to protect our treasured Chesapeake Bay. These local efforts have resulted in improved water quality and preservation of innumerable acres of valuable wildlife habitat. Far from hindering development, as was predicted by many, locally implemented Critical Area programs have created opportunities for residential and commercial projects of the highest quality, while continuing to respect the Bay's fragile shoreline ecosystem.**

**I appear before you today however, to alert you to a matter of grave concern for all who endeavor on the Bay's behalf. The legislative intent behind the Critical Area Protection Act of 1984 and the General Assembly's 1986 approval of implementing Criteria by Joint Resolution was crystal clear: local variances to Critical Area regulations were not to be granted lightly. For more than 50 years Maryland zoning law has emphasized this principal. But three recent decisions by the Maryland**



Court of Appeals have undermined the law and threatened the continued success of our common interests.

In *Belvoir Farms v. North* (1999), *White v. North* (1999) and *Mastandrea v. North* (2000), the Court has ruled that:

- A local Board of Appeals may grant a variance for non-water-dependent structures in the Critical Area Buffer *even if the applicant has alternative locations on site.*
- A Board may consider grandfathered structures which predate the Critical Area Program when deciding if denial of a variance for *new* development would be unfair to an applicant.
- An applicant for a variance does not have to satisfy all local standards for a variance, such as self-created hardship, but must *generally* meet the variance standards.

House Bill 661 restores the interpretation of Maryland's law on local variances to its position prior to the recent decisions by the Court of Appeals. *No additional change to the law is proposed.* House Bill 661:

- Defines "unwarranted hardship" in local variance law as denial of reasonable use of an *entire* property, not simply the portion proposed for development.
- Establishes that comparisons must be made only to development approved since implementation of a local Critical Area Program.
- Requires an applicant for a local variance to satisfy each standard under a local Critical Area Program.

I urge your support for House Bill 661 and thank you for your attention to this important matter. Local Critical Area Programs will be stronger for it.

**HOUSE BILL 661**

**Sponsor: Delegates Weir, Owings, W. Baker, Cadden**

**SENATE BILL 607**

**Sponsor: Senator Dyson**

**Chesapeake Bay Critical Area Protection Act - Variances**

The Chesapeake Bay Critical Area Commission supports House Bill 661 and Senate Bill 607 in order to restore the General Assembly's legislative intent concerning protection of the 100-foot Critical Area Buffer.

The Bills seek to protect the Buffer from unnecessary disturbance and development.

The Critical Area Act and Criteria establish a 100-foot Buffer from tidal waters and the landward edge of tidal wetlands. All development in the Buffer must be water-dependent; e.g. piers, marinas, public access points and water-intake pipes. Any other disturbance can be allowed only by a variance approved by a local Board of Appeals.

The Maryland Court of Appeals, the State's highest court, has issued three opinions on Critical Area variances that significantly undermine the effectiveness of the Buffer regulations. These opinions are *Belvoir Farms v. North* (1999); *White v. North* (1999); and *Mastandrea v. North* (2000). (Judge John C. North, II is Chairman of the Critical Area Commission.)

The Court of Appeals has ruled that:

- An applicant may be granted a variance by a local Board of Appeals to develop non-water-dependent structures in the Critical Area Buffer even if alternative sites are available on the applicant's property.
- A local Board of Appeals may consider grandfathered structures in the Buffer when deciding if denial of a variance for new development would be unfair to an applicant.
- An applicant for a variance does not have to satisfy all of the standards for a variance, such as self-created hardship, but must meet the standards generally.

**House Bill 661** and **Senate Bill 607** restore the interpretation of Maryland's law on variances to its position prior to the recent decisions by the Court of Appeals. No additional change to the law is proposed.

The Bills: define "unwarranted hardship" as denial of reasonable use of an **entire** property; establish that comparisons must be made only to development **since** implementation of a local Critical Area program; and require satisfaction of **all** other variance standards.



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

February 15, 2001

Dr. David Brownlee  
Calvert County Department of Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: Bridgeview Office Building - Growth Allocation Request

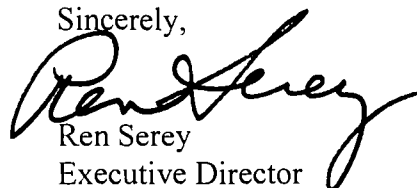
Dear Dr. Brownlee:

I would like to provide comment on the Bridgeview Office Building Growth Allocation request. As you are aware, the proposed project received a variance from the Calvert County Board of Appeals for exceeding the impervious surface limits in the Limited Development Area. Specifically, the applicants proposed impervious surface coverage of 76%, while the allowable coverage is only 25%. This office opposed the variance, instead recommending that the applicant apply for growth allocation. The decision of the Board of Appeals has been appealed to Circuit Court. Since the appeal was filed, the applicant has applied for growth allocation as was recommended in the beginning. The appeal has been indefinitely postponed until the outcome of the growth allocation request.

The project appears to meet the requirements of the County's Critical Area Program for the granting of growth allocation. It is in the Solomons Town Center, the priority area for growth allocation. It is surrounded by commercial uses. With an IDA designation, development of the parcel would be required to comply with the 10% pollutant reduction requirement, thus improving overall water quality. The project is also consistent with the Critical Area Commission's policy on the use of Growth Allocation.

Thank you for the opportunity to comment. Please contact me if you have questions or need additional information.

Sincerely,

  
Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

February 7, 2001

Mr. Robert Mathews, Town Administrator  
Town of Port Deposit  
P. O. Box 95  
Port Deposit, MD 21904

Re: Notification of Failure to Enforce Requirements of Critical Area Program Applicable to  
Dommel/Read LLC, Town of Port Deposit, CBCAC #PD 18-01

Dear Mr. Mathews:

I write to inform you of a serious matter that has recently been brought to my attention. Without notifying the Critical Area Commission and without requiring variances for development in the 100-foot Buffer, the Town has approved construction of two homes on a single grandfathered lot in the 100-foot Buffer of an Intensely Developed Area (IDA). The homes are complete and some previously existing structures appear to have been removed.

The Town was required to, but did not, notify the Commission of the proposed new construction activity in the Buffer. While some activities in the Critical Area IDA are exempt from Commission notification requirements, activities requiring variances are not. Further, these construction activities do not appear to be consistent with the Town's Buffer Exemption Area (BEA) Provisions, and thus Commission review was required. Section 9.1, pages 11 – 13, Buffer Exemption Area Provisions of the Town ordinance, requires that development in the BEA comply with the following requirements.

- “Existing Structures - The expansion or redevelopment of existing structures in the Buffer Exemption Area may not increase impervious surfaces shoreward of the existing structure and shall not result in greater than a twenty five (25) percent increase in the total site area in impervious surfaces. Offsets for adding impervious surfaces in the Buffer Exemption Area will be required as described below.
- Removal of Existing Structures – When a structure in a Buffer Exemption Area is removed or destroyed, it may be replaced, insofar as possible, no closer than 110 feet from the edge of tidal waters, tidal wetlands or tributary streams. In such cases where a setback line exists as defined by structures on adjacent lots or parcels, the structure may not be replaced shoreward of that line. In any case, the location should not exceed the minimum required setback established in the Town Zoning Ordinance. Any impervious surfaces created greater in extent than preexisting impervious surfaces within the Buffer Exemption Area shall be offset as described below.

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- New development - New development in the Buffer Exemption Area shall minimize the shoreward extent of impervious surfaces insofar as possible taking into consideration existing Town yard setback requirements and other such factors. In no case may such impervious surfaces be extended shoreward of any setback line as defined by existing structures on adjacent lots or parcels or the setback required by the Town Zoning Ordinance.
- Offsetting Requirements - New development or redevelopment in the Buffer Exemption Area which causes impervious surfaces as described above shall be required to offset for such development as follows:
  - The extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained, in natural vegetation; and
  - Insofar as possible, as determined by the zoning officer, natural vegetation of an area equal to two times the area of the impervious surface created in the Buffer Exemption Area shall be planted on site."

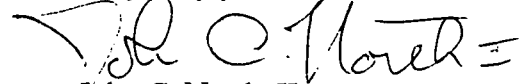
Further, any development activities in an IDA must comply with the Critical Area 10% Rule requirements regarding stormwater management. I believe the project is inconsistent with the above-quoted provisions because the existing structures do not demonstrate avoidance of shoreward disturbance, no vegetation has been planted and impervious surfaces have not been minimized.

Annotated Code of Maryland, Natural Resources Article §8-1815(b) provides that: "Whenever the Chairman has reason to believe that a local jurisdiction is failing to enforce the requirements of a program applicable to a particular development, the Chairman shall serve notice upon the local enforcement authorities. If within 30 days after the service of the notice, the local authorities have failed to initiate an action to remedy or punish the violation, the Chairman may refer the matter to the Attorney General".

Since the Town approved the project without issuing a variance and without 10% Rule compliance and since the Town failed to send the required notification to the Commission, I hereby serve notice that the Town is failing to enforce the requirements of its program with respect to this particular development.

Please contact Mr. Andrew Der of my staff immediately to discuss a prompt and equitable resolution to this matter. Mr. Der may be reached at (410) 260 3482. Thank you for your cooperation.

Very truly yours,

  
John C. North, II  
Chairman



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 29, 2001

The Honorable Kenneth D. Schisler  
Lowe House Office Building  
Room 415  
Annapolis, Maryland 21401

Re: Proposed Chesapeake Bay Critical Area Bill

Dear Delegate Schisler:

I'm sorry that we have not been able to talk about your concerns regarding enforcement of local Critical Area regulations. If you do have a few minutes sometime, please let me know. I can be at your office relatively quickly.

I have enclosed a proposed bill that seeks to address the Court of Appeals decisions from a different perspective, one with which you may not agree. Delegate Weir may be contacting you as a member of the Joint Legislative Oversight Committee to seek your comments.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,

Ren Serey  
Executive Director

AN ACT concerning

**Chesapeake Bay Critical Area Protection Program**

For the purpose of providing certain criteria for local critical area programs; providing that a variance may not be granted unless findings are made that each of the criteria has been met; defining a certain term; and generally relating to the Chesapeake Bay Critical Area Protection Program.

BY repealing and reenacting, without amendments,

Article - Natural Resources

Section 8-1801

Annotated Code of Maryland

(2000 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 8-1808

Annotated Code of Maryland

(2000 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Natural Resources**

**§ 8-1801.**

(a) *Findings.* — The General Assembly finds and declares that:

(1) The Chesapeake Bay and its tributaries are natural resources of great significance to the State and the nation;

(2) The shoreline and adjacent lands constitute a valuable, fragile, and sensitive part of this estuarine system, where human activity can have a particularly immediate and adverse impact on water quality and natural habitats;

(3) The capacity of these shoreline and adjacent lands to withstand continuing demands without further degradation to water quality and natural habitats is limited;

(4) National studies have documented that the quality and productivity of the waters of the Chesapeake Bay and its tributaries have declined due to the cumulative effects of human activity that have caused increased levels of pollutants, nutrients, and toxics in the Bay System and declines in more protective land uses such as forestland and agricultural land in the Bay region;



(5) Those portions of the Chesapeake Bay and its tributaries within Maryland are particularly stressed by the continuing population growth and development activity concentrated in the Baltimore-Washington metropolitan corridor;

(6) The quality of life for the citizens of Maryland is enhanced through the restoration of the quality and productivity of the waters of the Chesapeake Bay and its tributaries;

(7) The restoration of the Chesapeake Bay and its tributaries is dependent, in part, on minimizing further adverse impacts to the water quality and natural habitats of the shoreline and adjacent lands;

(8) The cumulative impact of current development is inimical to these purposes; and

(9) There is a critical and substantial State interest for the benefit of current and future generations in fostering more sensitive development activity in a consistent and uniform manner along shoreline areas of the Chesapeake Bay and its tributaries so as to minimize damage to water quality and natural habitats.

(b) *Purposes.* — It is the purpose of the General Assembly in enacting this subtitle:

(1) To establish a Resource Protection Program for the Chesapeake Bay and its tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize damage to water quality and natural habitats; and

(2) To implement the Resource Protection Program on a cooperative basis between the State and affected local governments, with local governments establishing and implementing their programs in a consistent and uniform manner subject to State criteria and oversight.

## § 8-1808.

(a) *Local jurisdictions to implement; grants.* — (1) It is the intent of this subtitle that each local jurisdiction shall have primary responsibility for developing and implementing a program, subject to review and approval by the Commission.

(2) The Governor shall include in the budget a sum of money to be used for grants to reimburse local jurisdictions for the reasonable costs of developing a program under this section. Each local jurisdiction shall submit to the Governor by October 31, 1984 a detailed request for funds that are equivalent to the additional costs incurred in developing the program under this section.

(3) The Governor shall include in the budget annually a sum of money to be used for grants to assist local jurisdictions with the reasonable costs of implementing a program under this section. Each local jurisdiction shall submit to the Governor by May 1 of each year a detailed request for funds to assist in the implementation of a program under this section.

(b) *Goals of program.* — A program shall consist of those elements which are necessary or appropriate:

(1) To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

(2) To conserve fish, wildlife, and plant habitat; and

(3) To establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

(c) *Elements of program.* — At a minimum, a program sufficient to meet the goals stated in subsection (b) of this section includes:

- (1) A map designating the critical area in a local jurisdiction;
- (2) A comprehensive zoning map for the critical area;
- (3) As necessary, new or amended provisions of the jurisdiction's:
  - (i) Subdivision regulations;
  - (ii) Comprehensive or master plan;
  - (iii) Zoning ordinances or regulations;
  - (iv) Provisions relating to enforcement; and
- (v) Provisions as appropriate relating to grandfathering of development at the time the program is adopted or approved by the Commission;
- (4) Provisions requiring that project approvals shall be based on findings that projects are consistent with the standards stated in subsection (b) of this section;
- (5) Provisions to limit the amount of land covered by buildings, roads, parking lots, or other impervious surfaces, and to require or encourage cluster development, where necessary or appropriate;
- (6) Establishment of buffer areas along shorelines within which agriculture will be permitted only if best management practices are used, provided that structures or any other use of land which is necessary for adjacent agriculture shall also be permitted in any buffer area;
- (7) Requirements for minimum setbacks for structures and septic fields along shorelines;
- (8) Designation of shoreline areas, if any, that are suitable for parks, hiking, biking, wildlife refuges, scenic drives, public access or assembly, and water-related recreation such as boat slips, piers, and beaches;
- (9) Designation of shoreline areas, if any, that are suitable for ports, marinas, and industries that use water for transportation or derive economic benefits from shore access;
- (10) Provisions requiring that all harvesting of timber in the Chesapeake Bay Critical Area be in accordance with plans approved by the district forestry board;
- (11) Provisions establishing that the controls in a program which are designed to prevent runoff of pollutants will not be required on sites where the topography prevents runoff from directly or indirectly reaching tidal waters;  
[and]
- (12) Provisions for reasonable accommodations in policies or procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a structure that was installed or built to accommodate a physical disability and require restoration when the accommodation permitted by this paragraph is no longer necessary. **]; AND**

(13) PROVISIONS FOR GRANTING A VARIANCE TO THE LOCAL JURISDICTION'S CRITICAL AREA PROGRAM, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION CONCERNING VARIANCES SET FORTH IN COMAR 27.01.11. A VARIANCE MAY NOT BE GRANTED UNLESS:

(I) DUE TO SPECIAL FEATURES OF A SITE, OR SPECIAL CONDITIONS OR CIRCUMSTANCES PECULIAR TO THE APPLICANT'S LAND OR STRUCTURE, A LITERAL ENFORCEMENT OF THE CRITICAL AREA PROGRAM WOULD RESULT IN UNWARRANTED HARDSHIP TO THE APPLICANT. UNWARRANTED HARDSHIP MEANS THAT, WITHOUT THE VARIANCE, THE APPLICANT WOULD BE DENIED REASONABLE AND SIGNIFICANT USE OF THE ENTIRE PARCEL OR LOT FOR WHICH THE VARIANCE IS REQUESTED;

(II) THE LOCAL JURISDICTION FINDS THAT THE APPLICANT HAS SATISFIED EACH ONE OF THE VARIANCE PROVISIONS; AND

(III) WITHOUT THE VARIANCE THE APPLICANT WOULD BE DEPRIVED OF A USE OF LAND OR A STRUCTURE PERMITTED TO OTHERS UNDER THE JURISDICTION'S CRITICAL AREA PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2001



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 29, 2001

The Honorable J. Lowell Stoltzfus  
James Senate Office Building  
Annapolis, Maryland 21401

Re: Proposed Chesapeake Bay Critical Area Bill

Dear Senator Stoltzfus:

Since I spoke to you at the Chesapeake Bay Commission meeting earlier this month, we have adjusted the proposed bill that we hope will return the Critical Area Act and Criteria to their state prior to the recent decisions by the Maryland Court of Appeals. I know that you do not look favorably on this effort, but I wanted you to have the latest version.

Delegate Weir may be contacting you as a member of the Joint Legislative Oversight Committee.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,

Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 29, 2001

The Honorable Perry Sfikas  
James Senate Office Building  
Room 211  
Annapolis, Maryland 21401

Re: Proposed Chesapeake Bay Critical Area Bill

Dear Senator Sfikas:

At the meeting of the Joint Legislative Oversight Committee in November, Judge North discussed the challenges to the Critical Area Program resulting from three recent decisions of the Maryland Court of Appeals. These decisions risk undermining important protections to the Bay by weakening the standards for variances for structures in the Critical Area Buffer.

I have enclosed a proposed bill that would return the law to its state prior to the Court's decisions. Delegate Michael Weir and Senator Roy Dyson have been briefed on the proposal and may be contacting you as a member of the Oversight Committee.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,

Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 29, 2001

The Honorable George W. Owings, III  
Lowe House Office Building  
Room 217  
Annapolis, Maryland 21401

Re: Proposed Chesapeake Bay Critical Area Bill

Dear Delegate Owings:

At the meeting of the Joint Legislative Oversight Committee in November, Judge North discussed the challenges to the Critical Area Program resulting from three recent decisions of the Maryland Court of Appeals. These decisions risk undermining important protections to the Bay by weakening the standards for variances for structures in the Critical Area Buffer.

I have enclosed a proposed bill that would return the law to its state prior to the Court's decisions. Delegate Michael Weir and Senator Roy Dyson have been briefed on the proposal and may be contacting you as a member of the Oversight Committee.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".

Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 29, 2001

The Honorable Richard F. Colburn  
James Senate Office Building  
Room 409  
Annapolis, Maryland 21401

Re: Proposed Chesapeake Bay Critical Area Bill

Dear Senator Colburn:

At the meeting of the Joint Legislative Oversight Committee in November, Judge North discussed the challenges to the Critical Area Program resulting from three recent decisions of the Maryland Court of Appeals. These decisions risk undermining important protections to the Bay by weakening the standards for variances for structures in the Critical Area Buffer.

I have enclosed a proposed bill that would return the law to its state prior to the Court's decisions. Delegate Michael Weir and Senator Roy Dyson have been briefed on the proposal and may be contacting you as a member of the Oversight Committee.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey", written in a cursive style.

Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 29, 2001

The Honorable Joan Cadden  
Lowe House Office Building  
Room 213  
Annapolis, Maryland 21401

Re: Proposed Chesapeake Bay Critical Area Bill

Dear Delegate Cadden:

At the meeting of the Joint Legislative Oversight Committee in November, Judge North discussed the challenges to the Critical Area Program resulting from three recent decisions of the Maryland Court of Appeals. These decisions risk undermining important protections to the Bay by weakening the standards for variances for structures in the Critical Area Buffer.

I have enclosed a proposed bill that would return the law to its state prior to the Court's decisions. Delegate Michael Weir and Senator Roy Dyson have been briefed on the proposal and may be contacting you as a member of the Oversight Committee.

If you have questions or need additional information, please contact me at (410) 260-3462.

Sincerely,

A handwritten signature in black ink, appearing to read "Ren Serey".

Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND**  
**CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 23, 2001

Mr. Steve Dodd  
Director  
Dorchester County Planning & Zoning Office  
P. O. Box 107  
Cambridge, Maryland 21613

Re: Intrafamily Transfers

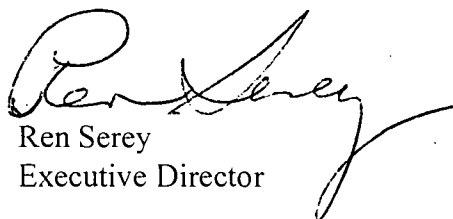
Dear Mr. Dodd:

I am writing in response to your questions concerning a portion of the Intrafamily Transfer provisions of the Chesapeake Bay Critical Area Act, Section 8-1808.2. Specifically, you have asked whether the provisions of Section 8-1808.2 apply solely to parcels that have remained in the same ownership since March 1, 1986.

Section 8-1808.2 contains no restrictions on eligibility related to the transfer of the original parcel. Rather, the provisions of the section deal with the minimum size of a qualifying parcel, the number of lots into which it can be subdivided, and the standards for subsequent transfer of a subdivided lot. Whether a parcel which existed as of March 1, 1986 qualifies for subdivision under this section does not depend on the original, unsubdivided parcel remaining in the ownership of the person who owned it on that date. A new owner of a qualifying parcel would have the right to take advantage of the provisions of Section 8-1808.2 as long as the maximum number of lots permitted under the section is not exceeded.

Please contact me if you have further questions or need additional information.

Sincerely,

  
Ren Serey  
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

January 12, 2001

Ms. Betty Dixon  
Department of Land Use  
Anne Arundel County Land Use Officer  
2662 Riva Road  
Annapolis, Maryland 21401

Re: Amendment of Local Critical Area Programs

Dear Ms. Dixon:

You have inquired about the process of amending a local program under the Chesapeake Bay Critical Area Protection Act. Specifically, you have asked me to set out the responsibilities and time frames by which the Critical Area Commission reviews local program amendments. These can be found in the Natural Resources Article, Annotated Code of Maryland.

Section 8-1809 (i) of the Act states that "A program may not be amended except with the approval of the Commission." Section 8-1809 (j) provides the standards for the Commission's approval of local amendments. These are as follows:

The Commission shall approve programs and amendments that meet:

- (1) The standards set forth in Section 8-1808 (b) (1) through (3) of this subtitle; and
- (2) The criteria adopted by the Commission under Section 8-1808 of this subtitle.

The standards in Section 8-1808 (b) (1) through (3) are the goals of the Critical Area Program. They are:

- (1) To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

Branch Office: 31 Creamery Lane, Easton, MD 21601  
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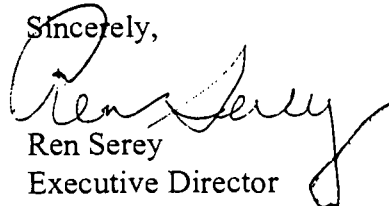
Ms. Betty Dixon  
January 12, 2001  
Page Two

- (2) To conserve fish, wildlife and plant habitat; and
- (3) To establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

Therefore, when the Critical Area Commission receives a proposed amendment to a local program, the Commission must, under the Act, review the amendment to ensure that it meets the above goals as well as the Criteria in COMAR 27.01, et. seq. Paragraph (o) of Section 8-1809 requires the Commission to hold a public hearing on a proposed local program amendment and act on the proposal within 90 days of accepting it for processing. Finally, subparagraph (2) of section (o) requires a local jurisdiction to incorporate an approved program amendment into its Critical Area program within 120 days of receiving notice of approval from the Commission.

If you have additional questions or need more information, please contact me.

Sincerely,



Ren Serey  
Executive Director

RS/jjd